

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1992

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Legislative Document

No. 2436

H.P. 1748

House of Representatives, March 23, 1992

Reported by Representative ERWIN for the Joint Standing Committee on Audit and Program Review pursuant to the Maine Revised Statutes, Title 3, chapter 33.

Reference to the Joint Standing Committee on Audit and Program Review suggested and printing ordered under Joint Rule 18.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

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STATE OF MAINE

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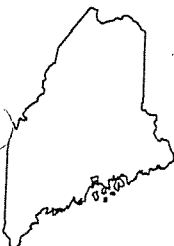
IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-TWO

---

**An Act Related to Periodic Justification of Departments and Agencies of  
State Government under the Maine Sunset Act.**

---

(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

Whereas, certain obligations and expenses incident to the  
operation of departments and agencies will become due and payable  
on or immediately after July 1, 1992; and

Whereas, these provisions are intended to improve  
management, performance, organization, program delivery and  
fiscal accountability of agencies and independent agencies  
reviewed; and

Whereas, certain independent agencies will terminate unless  
continued by act of the Legislature prior to June 30, 1992; and

Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
safety; now therefore,

Be it enacted by the People of the State of Maine as follows:

#### PART A

Sec. A-1. 1 MRSA §353, as amended by PL 1979, c. 663, §1, is  
further amended to read:

#### §353. Explanation of proposed amendments

~~The~~ With the assistance of the Secretary of State, the  
Attorney General shall prepare a brief explanatory statement  
which shall must fairly describe the intent and content of each  
constitutional resolution or statewide referendum that may be  
presented to the people and which shall must include any  
information prepared under Title 5, section 152. In addition to  
the explanatory statement, ~~he~~ the Secretary of State and the  
Attorney General shall prepare an explanation of what a yes vote  
favors and a no vote opposes. ~~He~~ The Secretary of State shall  
~~cause-to-have-published~~ publish this explanatory statement in  
each daily newspaper of the State, ~~such-statement-to-be-published~~  
~~not-more-than-45-days-and-not-less-than-30-days-prior-to-the~~  
~~voting-and-publish-such-statement-in-each-daily-newspaper-of-the~~  
~~State-a-2nd-time,~~ not more than 10 and not less than 7 days prior  
to the voting. Such The explanatory statement may be published in  
the English language in a foreign language newspaper.

2           **Sec. A-2. 3 MRSA §924, sub-§2, ¶D-1**, as enacted by PL 1991, c.  
376, §3, is amended to read:

4           D-1. A list of state records that the agency is required to  
5 retain pursuant to Title 5, section 95, subsection 7; and

6           **Sec. A-3. 3 MRSA §924, sub-§2, ¶D-2** is enacted to read:

7           D-2. A list of agency programs in which gender inequity is  
8 identified and highlighted for consideration by the  
9 committee, a list of employees, by gender, showing job  
10 classification and salary range, and promotions and layoffs  
11 in the preceding year according to gender; and

12           **Sec. A-4. 3 MRSA §927, sub-§3**, as corrected by RR 1991, c. 1,  
13 §2, is amended to read:

14           **3. 2003.**

15           **A. Agencies:**

16           ~~(1) Department of Transportation;~~

17           (2) (1) Department of Public Safety, except for the  
18 Bureau of Capitol Security;

19           ~~(3) (2) Department of the Secretary of State;~~

20           (4) (3) Maine Educational Loan Authority; and

21           ~~(5) (4) Department of Agriculture, Food and Rural~~  
22 Resources.

23           **B. Independent agencies:**

24           (1) Maine State Pilotage Commission;

25           (2) State Board of Registration for Professional  
26 Engineers;

27           (3) State Board of Registration Licensure for  
28 Professional Land Surveyors;

29           (4) Local Government Records Board;

30           ~~(5) State Planning Office;~~

31           ~~(6) (5) Maine High-Risk Insurance Organization;~~

32           ~~(7) Capitol Planning Commission;~~

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- ~~(8) -- State Lottery Commission; and~~
- ~~(9) -- Driver Education Evaluation Programs. (6) Safety training operating under the influence programs; and~~
- (7) State Soil and Water Conservation Commission.

Sec. A-5. 3 MRSA §927, sub-§4, as amended by PL 1991, c. 376, §8, is further amended to read:

4. 1993.

A. Agency:

- (1) Department of Human Services; and
- (2) Department of Transportation.

B. Independent agencies:

- (1) State Board of Funeral Service;
- (2) Board of Hearing Aid Dealers and Fitters;
- (3) Advisory Commission on Radioactive Waste;
- ~~(4) -- Maine Human Development Commission;~~
- ~~(5) -- Maine Committee on Aging; and~~
- ~~(6) (4) Maine Turnpike Authority; and~~
- (5) Capitol Planning Commission;
- (6) State Planning Office; and
- (7) State Lottery Commission.

Sec. A-6. 3 MRSA §927, sub-§6, ¶B, as repealed and replaced by PL 1991, c. 376, §9, is amended to read:

B. Independent agencies:

- (1) Advisory Board for Licensure of Water Treatment Plant Operators;
- (2) Saco River Corridor Commission;
- ~~(3) -- State Soil and Water Conservation Commission;~~

- 2                   (4) (3) Acupuncture Licensing Board;
- 4                   (5) (4) Board of Licensing of Auctioneers;
- 6                   (6) (5) Board of Licensing of Dietetic Practice;
- 8                   (7) (6) Board of Commercial Driver Education; and
- 10                  (8) (7) Advisory Board for the Licensing of  
12                   Taxidermists.

14                   **Sec. A-7. 5 MRSA §6**, as amended by PL 1981, c. 456, Pt. A,  
§14, is further amended to read:

16                   **§6. Officials have 30 days to qualify**

18                   All public officers appointed or renewed in accordance with  
19                   law shall, within 30 days after being commissioned, qualify to  
20                   perform the duties of their office and the certificate of such  
21                   qualification shall must be filed in the office of the Secretary  
22                   of State. Any such officer who fails to qualify within 30 days  
23                   and file a certificate of qualification in the office of the  
24                   Secretary of State within 30 45 days shall must be suspended by  
25                   the Secretary of State until the defect is corrected. During  
26                   this suspension, the officer may be deemed to have forfeited his  
27                   the appointment and the office may be declared vacant by the  
28                   Governor appointing authority and a new appointment made.

30                   ~~All persons renewing a commission as a notary public shall~~  
31                   ~~requalify within 30 days after issuance of the renewal in the~~  
32                   ~~manner prescribed by the Secretary of State.~~

34                   **Sec. A-8. 5 MRSA §92-A, sub-§§4 and 5** are enacted to read:

36                   **4. State agency or agency.** "State agency" or "agency"  
37                   means any unit of State Government, including any state board or  
38                   commission, except the Legislature and its committees and  
39                   subcommittees, the Judicial Department, the University of Maine  
40                   System, the Maine Technical College System and the Maine Maritime  
41                   Academy.

42                   **5. State record.** "State record" means any written, printed  
43                   or graphic matter or any mechanical or electronic data  
44                   compilation from which information can be obtained, directly or  
45                   after translation into a form susceptible of visual or aural  
46                   comprehension, that is in the possession or custody of an agency  
47                   or public official of the State and has been received or prepared  
48                   for use in connection with the transaction of public or

2 governmental business or contains information related to the  
3 transaction of public or governmental business.

4 **Sec. A-9. 5 MRSA §95**, as amended by PL 1991, c. 172, §1, is  
5 further amended to read:

6 **§95. Powers and duties of State Archivist**

7  
8 The State Archivist ~~shall~~ has, upon consent of the  
9 Secretary of State, the duties and powers established under the  
10 following provisions governing the creation, use, maintenance,  
11 retention, preservation and disposal of state records:

12  
13 **1. Administration.** To administer the office of the State  
14 Archivist. In exercising ~~his~~ the administration of the office,  
15 the State Archivist shall formulate policies, establish  
16 organizational and operational procedures and exercise general  
17 supervision. ~~He~~ The State Archivist shall employ, with the  
18 approval of the Secretary of State subject to the Civil Service  
19 Law, such assistants as ~~may be~~ are necessary to carry out this  
20 chapter. The State Archivist shall adopt a seal for use in the  
21 official business of ~~his~~ the office. ~~He shall have~~ The State  
22 Archivist has custody and control of the facilities provided for  
23 the administration of this chapter;

24  
25 **2. Examination of public records.** To have the right of  
26 reasonable access to and examination of all ~~public~~ state records  
27 in Maine;

28  
29 **3. Rules.** To ~~premulgate~~ adopt such rules and ~~regulations~~  
30 as are necessary to effectuate the purposes of this chapter. No  
31 restrictions or limitations ~~shall~~ may be imposed on the use of  
32 records that are defined by law as ~~public~~ state records or as  
33 records open to public inspection, unless necessary to protect  
34 and preserve them from deterioration, mutilation, loss or  
35 destruction. Restrictions or limitations imposed by law on the  
36 examination and use of state records transferred to the archives  
37 under subsection 7, paragraph C and subsection 8 ~~shall~~ remain in  
38 effect until the records have been in existence for 50 years,  
39 unless removed or relaxed by the State Archivist with the  
40 concurrence in writing of the head of the agency from which the  
41 records were transferred or ~~his~~ the successor in function, if  
42 any. The State Archivist shall ~~premulgate~~ adopt rules and  
43 ~~regulations~~ governing the transfer of state records from the  
44 custody of one agency to that of another subject to any  
45 applicable provision of law;

46  
47 **4. Acceptance of gifts and bequests.** To accept gifts,  
48 bequests and endowments for purposes consistent with the  
49 objectives of this chapter. Such funds, if given as an endowment  
50

2 shall ~~must~~ be invested in securities by the Treasurer of State  
according to the laws governing the investment of trust funds.  
4 All gifts, bequests and proceeds of invested endowment funds  
shall ~~must~~ be used solely to carry out the purposes for which  
they were made;

6  
8 **5. Publication.** To publish archival material, reports,  
bulletins and other publications ~~which--will~~ that promote the  
10 objectives of this chapter. He The State Archivist shall  
establish the price at which publications, photocopies and  
12 photoduplication services may be sold and delivered. The income  
received under this subsection and subsection 12 shall ~~must~~ be  
14 credited to a special revenue account, which ~~shall-be~~ is carried  
forward and expended by the agency for these purposes;

16 **6. Biennial report.** To report biennially to the Governor  
and Legislature facts and recommendations ~~relating~~ related to the  
18 work and needs of ~~his~~ the office of State Archivist;

20 **7. Records management program.** To establish and administer  
in the executive branch of State Government an active, continuing  
22 program for the economical and efficient management of state  
records. Upon request, the State Archivist shall assist and  
24 advise in the establishment of records management programs in the  
legislative and judicial branches of State Government and shall,  
26 as required by them, provide program services similar to those  
available to the executive branch. The State Archivist shall,  
28 with due regard for the functions of the agencies concerned:

30 A. Provide standards, procedures and techniques for  
effective management of state records in the conduct of  
32 current business;

34 B. Recommend improvements in current records management  
practices, including the use of space, equipment and  
36 supplies employed in creating, maintaining, storing and  
servicing state records;

38 C. Establish schedules, in consultation with the heads of  
40 state ~~departments~~ agencies, under which each ~~department~~  
state agency shall retain state records of continuing value,  
42 and dispose, as provided by this chapter, of state records  
no longer possessing sufficient administrative, legal or  
44 fiscal value to warrant their further keeping for current  
business; and

46 D. Obtain such reports from state agencies as are required  
48 for the administration of the program;



2 The head of each state agency shall establish and maintain an  
4 active, continuing program for the economical and efficient  
6 management of the state records of the state agency in compliance  
with the standards, procedures and regulations issued by the  
State Archivist.

8 **8. Transfer of state records.** To provide for the transfer  
to the archives of state records, disposed of under subsection 7,  
10 paragraph C, ~~which~~ that have archival value;

12 **9. Destruction of state records.** To authorize and receive  
confirmation of the destruction of the state records of any state  
14 department-~~which~~ agency that, in the opinion of the head of the  
department agency, are no longer of value to the department state  
16 agency, and ~~which~~ that, in the opinion of the State Archivist and  
the Archives Advisory Board, have no archival value to the State;

18 **10. Transfer of state and official records.** To receive all  
20 state records transferred to the Maine State Archives under  
subsection 8 and to negotiate for the transfer of ~~public~~ official  
22 records from the custody of any public official not governed by  
subsection 7. The State Archivist shall charge a fee sufficient  
24 to cover the cost of receiving and processing all transfers from  
the custody of any public official not governed by subsection 7.  
26 The fees collected shall must be deposited in the General Fund.  
Any public officer in Maine is authorized to turn over to the  
28 State Archivist ~~such~~-~~public~~ those official records legally in his  
that public official's custody as that are not needed for the  
30 transaction of the current business of his that office, whenever  
the State Archivist is willing and able to receive them. Whenever  
32 such a transfer is made, the State Archivist shall transmit to  
the office from which the records are transferred a memorandum in  
34 which such records are described in terms sufficient to identify  
them, which shall must be preserved in said the transferring  
office. Unless otherwise directed by law, the ~~public~~ state  
36 records of any public office, commission or committee in the  
State shall must, upon the termination of its existence or  
38 functions, be transferred to the custody of the State Archivist;

40 **10-A. Records of Secretary of State.** To preserve the  
42 records of the Secretary of State to the extent he-~~deems~~ the  
Secretary of State determines desirable under the Constitution  
and the regulations of the State Archivist;

44 **10-B. Permanent state records of agency administration.** To  
46 establish such standards concerning the establishment,  
maintenance and operation of state administered computerized and  
48 auxiliary automated information handling as ~~may~~-~~be~~ are necessary  
to ~~insure~~ ensure the preservation of adequate and permanent state  
50 records of the organization, functions, policies, procedures,

2 decisions and essential transactions of the agencies of State  
Government;

4 **10-C. Legislative records.** The To receive Legislative  
6 records, the Secretary of the Senate and the Clerk of the House  
of Representatives shall obtain the noncurrent records of the  
8 Legislature and of each legislative committee thereof at the  
close of each Legislature and transfer them to the Maine State  
10 Archives for preservation, subject to the orders of the Senate or  
the House of Representatives, respectively, and subject to  
12 schedules established in consultation with the Executive Director  
of the Legislative Council;

14 **11. Archives available for public use.** To make archival  
16 material under the archivist's supervision available for public  
use at reasonable times. The archivist shall carefully protect  
and preserve the materials from deterioration, mutilation, loss  
18 or destruction. ~~Records~~ State records maintained by the  
archivist, that contain information ~~relating~~ related to the  
20 identity of an archives patron relative to the patron's use of  
materials at the archives, are confidential. Those state records  
22 and the information contained in them may only be released with  
the express written consent of the patron involved or as a result  
24 of a court order;

26 **12. Copies.** To furnish copies of archival material upon the  
request of any person, on payment in advance of such fees as may  
28 be required. Copies of ~~public~~ state records transferred in  
~~pursuance of~~ pursuant to law from the office of their origin to  
30 the custody of the State Archivist, when certified by the State  
Archivist, under the seal of his that office, shall have the same  
32 legal force and effect as if certified by their original  
custodian. A facsimile of the signature of the State Archivist  
34 imprinted by or at his the direction of the State Archivist upon  
any certificate issued by him ~~shall have~~ the State Archivist has  
36 the same validity as his the written signature of the State  
Archivist; and

38 **13. Photoreproduction and restoration.** To provide  
40 centralized photoreproduction and records preservation services  
for government agencies to the extent he--deems the State  
42 Archivist determines advisable in his the administration of the  
state program and facilities. Such services shall must be  
44 furnished to such agencies at cost.

46 Fees collected under this subsection shall must be deposited in  
the General Fund.

48 **Sec. A-10. 5 MRSA §3303,** as amended by PL 1989, c. 501, Pt.  
50 DD, §5, is further amended to read:

2       **§3303. State Planning Office**

4           There is established to carry out the purpose of this  
chapter a State Planning Office in the Executive Department,  
6       which ~~shall--be~~ is concerned with research, analysis and the  
formulation, coordination and management of policy. The State  
8       Planning Office ~~shall--be~~ is directly responsible to the Governor  
and ~~shall---serve~~ serves as an advisory, consultative,  
10       coordinating, administrative and research agency as specified in  
section 3305. The State Planning Office ~~shall--assist~~ assists the  
12       Governor and other state agencies in the development of economic,  
energy, fiscal and regulatory policy; ~~the--management--of~~ planning  
14       and policy development for the State's natural and physical  
resources; the identification of issues and problems of long-term  
16       significance to the State; and the coordination of state policy  
and its implementation on issues of interagency concern.

18           **Sec. A-11. 5 MRSA §8053, sub-§5, ¶C**, as enacted by PL 1979, c.  
20       425, §5, is amended to read:

22           C. Designate one weekday day as rules day for publication  
of notices on rulemaking as set forth in this subsection; and

24           **Sec. A-12. 7 MRSA §1**, as amended by PL 1987, c. 435, §2, is  
26       further amended to read:

28       **§1. Department of Agriculture, Food and Rural Resources**

30           The Department of Agriculture, Food and Rural Resources, as  
is established and ~~in this Title called the "department,"~~ shall  
32       be is maintained for the improvement of agriculture and the  
advancement of the interests of husbandry, The Department of  
34       Agriculture, Food and Rural Resources is referred to in this  
Title as the "department" and ~~shall--consist~~ consists of the  
36       Commissioner of Agriculture, Food and Rural Resources, in this  
Title called the "commissioner," and the following as ~~created and~~  
38       established: The Aroostook Water and Soil Management Board, the  
Board of Pesticide Control, the Maine Dairy and Nutrition Council  
40       Committee, the Maine Dairy Promotion Board, the Maine Milk  
Commission, the Maine Potato ~~Commission~~ Board, the Seed Potato  
42       Board, the State Soil and Water Conservation Commission, the  
Harness Racing Commission, the Board of Veterinary Medicine and  
44       the Animal Welfare Board. The commissioner ~~shall--be~~ is appointed  
by the Governor, subject to review by the joint standing  
46       committee of the Legislature having jurisdiction over agriculture  
matters and to confirmation by the Legislature, and ~~shall--hold~~  
48       holds office during the pleasure of the Governor. He ~~shall~~  
~~receive--his~~ The commissioner is entitled to receive actual  
50       expenses incurred in the performance of his the commissioner's

official duties. He- The commissioner may employ such clerical  
labor as may be required, subject to the Civil Service Law, and  
he- may expend such sums for postage, telephone, telegraph and  
other general office expenses as may be necessary in the  
performance of his the commissioner's duties, the same to be paid  
out of any money appropriated by the Legislature for such purpose.

**Sec. A-13. 7 MRSA §2, sub-§5**, as amended by PL 1979, c. 731,  
§19, is further amended to read:

**5. Report.** Report and make recommendations to each the  
Governor and Legislature with respect to methods of stimulating  
and encouraging the growth and modernization of agricultural  
enterprises in this State. Such The report shall must be made  
available submitted to the Legislature ~~on the first day of the  
3rd week following the convening of the Legislature for the  
regular session, and on the first day of the 2nd week following  
the convening of the Legislature for the first special session of  
the year in the year following the year of the regular session~~  
Governor and the joint standing committee of the Legislature  
having jurisdiction over agriculture matters no later than  
December 1st of each even numbered year. For purposes of  
obtaining information, the Department of Agriculture, Food and  
Rural Resources may hold public hearings throughout the State,  
after giving public notice thereof of the public hearings.

**Sec. A-14. 7 MRSA §10**, as amended by PL 1975, c. 771, §98, is  
repealed.

**Sec. A-15. 7 MRSA §75, sub-§5**, as enacted by PL 1987, c. 849,  
§2, is repealed.

**Sec. A-16. 7 MRSA §232, sub-§2**, as enacted by PL 1987, c. 805,  
§2, is amended to read:

**2. Genetic engineering.** "Genetic engineering" means the  
technology of the manipulation or alteration of an organism's  
genetic material; including recombinant deoxyribonucleic acid, or  
DNA, research; recombinant ribonucleic acid, or RNA, research  
and cell fusion, but not including human medical uses of this  
technology.

**Sec. A-17. 7 MRSA §401-C**, as enacted by PL 1983, c. 563, §1,  
is repealed.

**Sec. A-18. 7 MRSA §1012, sub-§8**, as enacted by PL 1971, c.  
366, is repealed.

**Sec. A-19. 7 MRSA §1015, 2nd ¶**, as amended by PL 1979, c. 127,  
§45, is further amended to read:

2           Upon receipt of such applications, the commissioner  
4 immediately shall cause notice ~~thereof~~ of the applications to be  
6 provided in a manner consistent with the provisions of the Maine  
8 Administrative Procedure Act as to adjudicatory proceedings and  
10 shall, in any case, cause a copy ~~thereof~~ of the notice to be  
12 served upon the Maine Potato Council Board. Any interested person  
14 shall ~~have~~ has 30 days in which to file comments as to the  
16 applicant's qualifications, to request a hearing, or to file a  
18 verified complaint with the commissioner as provided by this  
20 Article.

12           **Sec. A-20. 7 MRSA §1017, sub-§1, ¶B**, as enacted by PL 1971, c.  
14 366, is amended to read:

16           B. That the applicant or licensee has failed or refused to  
18 render a true account of sales, or to make a settlement  
20 thereon, within the time and in the manner required by this  
22 Article, or has failed or refused to pay for potatoes  
24 purchased by the applicant or licensee within 20 30 calendar  
26 days after acceptance of said the potatoes;

22           **Sec. A-21. 7 MRSA §1033, sub-§2, ¶B**, as amended by PL 1987, c.  
24 99, §7, is further amended to read:

26           B. To adopt identification to be used on consumer packs of  
28 potatoes ~~to be packed in~~ known as Maine bags, as authorized  
30 in this article;

30           **Sec. A-22. 7 MRSA §1033, sub-§2, ¶F**, as amended by PL 1983, c.  
32 780, §1, is repealed.

34           **Sec. A-23. 10 MRSA c. 207**, as amended, is repealed.

34           **Sec. A-24. 10 MRSA §1474, sub-§4, ¶F**, as enacted by PL 1985,  
36 c. 429, §4, is amended to read:

38           F. The Division Bureau of Motor Vehicles may promulgate  
40 adopt rules related to this section, including, but not  
42 limited to, rules establishing uniform disclosure forms and  
44 stickers.

42           **Sec. A-25. 10 MRSA §1475, sub-§2-A**, as amended by PL 1991, c.  
44 62, §1, is further amended to read:

46           **2-A. Required contents of disclosure statement.** The  
48 statement required by subsection 1 must contain a complete  
50 description of the motor vehicle to be sold, including, but not  
limited to:

- 2           A. The make, model, model year and any identification or  
serial numbers of the motor vehicle;
  
- 4           B. The dealer's duty to disclose promptly the name and  
6           address of the previous owner of the motor vehicle, or  
dealer, upon the request of any person, the principal use to  
8           which the motor vehicle was put by that owner such as  
personal transportation, police car, daily rental car, taxi  
10           or other descriptive term, and the type of sale or other  
means by which the person acquired the motor vehicle, such  
12           as trade-in, sheriff's sale, repossession, auction or other  
descriptive term, to the extent that such information is  
14           reasonably available to the person;
  
- 16           C. A statement identifying any and all mechanical defects  
known to the dealer at the time of sale;
  
- 18           D. A statement identifying the type of damage, if any, that  
the vehicle has sustained, such as fire, water or  
20           substantial collision damage, if that information is known  
to the dealer;
  
- 22           E. A statement, if applicable, that implied warranties with  
24           respect to the vehicle are excluded or modified. Nothing in  
this paragraph may be construed to affect the requirements  
26           of Title 11, section 2-316;
  
- 28           F. A statement, if applicable, disclosing that the vehicle  
was returned to the manufacturer, its agent or authorized  
30           dealer, for its nonconformity with express warranties. The  
statement must identify the nature of the nonconformities;  
32           and
  
- 34           G. If the vehicle is repossessed, a statement identifying  
this fact.

36           The Division Bureau of Motor Vehicles may adopt rules related to  
38           this section, including, but not limited to, rules establishing  
uniform disclosure forms and stickers. The Division Bureau of  
40           Motor Vehicles may include in any rule establishing uniform  
disclosure forms and stickers any information that the Federal  
42           Trade Commission requires to be disclosed on a sticker pursuant  
to the Motor Vehicle Trade Regulation Rule, 16 Code of Federal  
44           Regulations, Part 455, except that the Division Bureau of Motor  
Vehicles may not include in any uniform disclosure form or  
46           sticker information from the Federal Trade Commission rule that  
conflicts in any manner with the information required by this  
48           section.

2 Any dealer who offers for sale to the consuming public a  
4 repossessed vehicle that has been obtained by the dealer through  
6 any transaction other than a retail sale and who meets the  
8 warranty and disclosure requirements of section 1474 and  
subsection 1 and this subsection has no other liability under  
this chapter, except for any additional warranties negotiated  
between the dealer and the consumer.

10 **Sec. A-26. 10 MRSA §1478, sub-§2, as enacted by PL 1985, c.  
569, §2, is amended to read:**

12 **2. State agencies to maintain documents for each vehicle.**  
14 Each state agency shall maintain records for each vehicle in the  
16 possession of and assigned for primary use by the agency. The  
18 records shall must contain the information defined in section  
20 1475, subsection 2, paragraphs B, C, D and F. Each state agency  
shall use the disclosure forms as provided by the Division Bureau  
of Motor Vehicles pursuant to section 1475, subsection 2,  
paragraph G.

22 A. In the event that a uniform disclosure form prepared by  
24 the Division Bureau of Motor Vehicles is not available for  
state agency use, each agency shall devise a form until a  
uniform form becomes available.

26 B. This subsection applies to motor vehicles purchased on  
28 or after July 1, 1986.

30 **Sec. A-27. 10 MRSA §1526-A is enacted to read:**

32 **§1526-A. Information requests**

34 The Secretary of State shall charge a nominal and prudent  
36 fee for responding in writing to a request for information on  
38 file. Fees established pursuant to this section must be adopted  
by the Secretary of State in accordance with the Maine  
Administrative Procedure Act. All fees collected pursuant to  
this section must be deposited in the General Fund.

40 **Sec. A-28. 12 MRSA §51, as amended by PL 1989, c. 503, Pt. B,**  
42 **§54, is further amended to read:**

44 **§51. Membership; seal; rules**

46 The State Soil and Water Conservation Commission, as  
48 established by Title 5, section 12004-G, subsection 30, shall  
50 serve serves as an agency of the State and shall-perform performs  
the functions conferred upon it in this chapter. It shall  
consist consists of the following 11 12 members: The

2 Vice-president for Research and Public Service of the University  
of Maine, the Commissioner of Agriculture, Food and Rural  
4 Resources, the Commissioner of Conservation, the Commissioner of  
Inland Fisheries and Wildlife, the Commissioner of Marine  
6 Resources and the Commissioner of Environmental Protection, who  
shall serve ex officio, except that each ex officio member may  
8 delegate one of that member's staff with policy-making authority  
to serve regularly in his that member's absence, and 6 soil and  
water conservation district supervisors, one of which shall  
10 represent each of the following 6 areas: Area 1, composed of St.  
John Valley, Central Aroostook and Southern Aroostook Soil and  
12 Water Conservation Districts; Area 2, composed of Washington and  
Hancock County Soil and Water Conservation Districts; Area 3,  
14 composed of Penobscot, Piscataquis and Somerset County Soil and  
Water Conservation Districts; Area 4, composed of Kennebec,  
16 Knox-Lincoln and Waldo County Soil and Water Conservation  
Districts; Area 5, composed of Androscoggin Valley, Oxford and  
18 Franklin County Soil and Water Conservation Districts; Area 6,  
composed of Cumberland and York County Soil and Water  
20 Conservation Districts. Any district organized after October 1,  
1975, shall must be included in one of these 6 areas as  
22 determined by the State Soil and Water Conservation Commission.

24 The representative of each such area shall must be elected  
at an annual meeting of the supervisors in the area held at a  
26 time specified by the commission. ~~Persens now serving as members  
of the commission shall continue to serve until the~~  
28 ~~representatives from the 6 named areas are elected and qualified.~~  
The commission may invite the Secretary of Agriculture of the  
30 United States of America to appoint one person to serve with the  
above-mentioned members as an advisory member of the commission.  
32 The commission shall keep an accurate record of its official  
actions, shall adopt a seal, which seal shall must be judicially  
34 noticed, ~~shall have the authority to~~ may sue and be sued, and  
shall perform such acts, execute such contracts and other  
36 instruments, hold such public hearings and ~~promulgate~~ adopt such  
rules and ~~regulations~~ as ~~may be~~ are necessary for the execution  
38 of its functions under this chapter. The commission shall  
formulate the biennial and supplemental budgets for the agency,  
40 to be submitted by the Commissioner of Agriculture, Food and  
Rural Resources as a component of the budget of the Department of  
42 Agriculture, Food and Rural Resources.

44 The area representatives first elected from Areas 1 and 4,  
shall must be initially elected for a ~~1-year~~ one-year term; those  
46 from Areas 2 and 5 shall must be initially elected for a 2-year  
term; those from Areas 3 and 6 shall must be initially elected  
48 for a 3-year term. All subsequent elections shall ~~be~~ are for a  
3-year term. Area representatives may serve beyond their elected  
50 terms until their successors are elected and qualified.



2           Sec. A-29. 12 MRSA §52, as amended by PL 1979, c. 732, §19,  
is further amended to read:

4           **§52. Legal services; executive director; delegation of powers**

6           The commission may call upon the Attorney General for such  
8           the legal services as it ~~may-require~~ requires. With the approval  
of the Commissioner of Agriculture, Food and Rural Resources it  
10           ~~shall~~ may employ an executive director and such other temporary  
or permanent employees as it may require. It ~~shall--have~~ has  
12           authority to delegate to any of its members, or to any agent or  
employee, such the powers and duties as it ~~may-deem~~ determines  
14           proper.

16           Sec. A-30. 12 MRSA §53, as amended by PL 1983, c. 812, §72,  
is further amended to read:

18           **§53. Officers; terms; quorum; compensation; records**

20           The commission shall elect one of its members to be ~~chairman~~  
22           chair and may, from time to time, change such designation. An ex  
officio member of the commission ~~shall--held~~ holds office so long  
24           as he ~~shall--held~~ the ex officio member holds the office by virtue  
of which he the member is serving on the commission. Upon the  
26           expiration of the term of office of, or in the case of a vacancy  
in, the office of an elected member, ~~his~~ the member's successor  
28           ~~shall--be~~ is elected in the same manner, and from the same area,  
as the retiring member was elected. A majority of the commission  
30           ~~shall--constitute~~ constitutes a quorum, and the concurrence of a  
majority of the quorum in any matter within ~~their~~ the  
32           commission's duties ~~shall--be~~ is required for its determination.  
The ~~chairman~~ chair and members of the commission ~~shall--be~~ are  
34           compensated as provided in Title 5, chapter 379 ~~and--provided--that~~  
if sufficient funds are available. The commission shall provide  
36           for the keeping of an accurate record of all proceedings and of  
all resolutions, ~~regulations~~ rules and orders issued or adopted.

38           Sec. A-31. 13 MRSA §906 is enacted to read:

40           **§906. Information requests**

42           The Secretary of State shall charge a nominal and prudent  
44           fee for responding in writing to a request for information on  
file. Fees established pursuant to this section must be adopted  
46           by the Secretary of State in accordance with the Maine  
Administrative Procedure Act. All fees collected pursuant to  
48           this section must be deposited in the General Fund.



2 and state; and, in the case of if a foreign corporation, the  
address of its registered or principal office in its  
jurisdiction of incorporation; and

4  
6 C. The names and business or residence addresses of the  
president, the treasurer, the registered agent and the  
secretary or clerk of the corporation, including the street  
8 or rural route number, town or city, and state.

10 ~~2. Information contained in annual report. The information~~  
12 ~~contained in the biennial report shall be given as of the close~~  
of business on the last day of the 2nd calendar year of the  
14 ~~biennium for which the report is filed, including, where~~  
applicable, the calendar year in which the corporation is  
16 ~~organized. If, between such date and the date of execution of~~  
the report, any material change has occurred with respect to any  
18 ~~fact required to be set forth in the report, such change shall~~  
also be stated.

20 2-A. Information contained in annual report. The Secretary  
of State shall specify by rule the period of time to which the  
22 annual report applies as provided in subsection 4. The  
information contained in the annual report must be current as of  
24 the date the report is signed.

26 3. Execution. The biennial annual report shall must be  
executed as provided by section 104, except that signing by any  
28 one of the president, a vice-president, the secretary, the  
treasurer, an assistant secretary or any other duly authorized  
30 individual, without a 2nd signature, shall be is deemed valid  
under section 104, subsection 1, paragraph B, subparagraph (2).

32 4. Filing. Subject to rules adopted under section 1302-A,  
34 subsection 4, the biennial annual report shall must be delivered  
for filing ~~between the first day of January and the first day of~~  
36 ~~June of the year next succeeding the 2nd calendar year of the~~  
biennium for which the report is to be made to the Secretary of  
38 State or a designee. One copy of the report shall must be  
delivered for filing to the Secretary of State, who shall file  
40 the report if he the Secretary of State finds that it conforms to  
the requirements of this Act.

42 ~~The Secretary of State shall promulgate rules and regulations to~~  
44 ~~provide that approximately 1/2 of the biennial reports shall be~~  
~~filed in each calendar year.~~

46 5. Certificate of fact. The Secretary of State, upon  
48 application by any corporation and satisfactory proof that it has  
ceased to carry on activities, shall file a certificate of the  
50 that fact and shall give a duplicate certificate to the

2 corporation. ~~Thereupon,--such~~ The corporation shall--be is then  
excused from filing ~~biennial~~ annual reports with the Secretary of  
4 State so long as the corporation, in fact, carries on no  
activities.

6 **6. Vote to carry on activities.** The members entitled to  
vote or, if none, the directors of a corporation which ~~that~~ that has  
8 been excused pursuant to subsection 5 may vote to resume carrying  
on activities at a meeting duly called and held for ~~sueh~~ that  
10 purpose. A certificate, executed and filed, as provided in  
sections 104 and 106, setting forth that a members' or directors'  
12 meeting was held, the date and location of the meeting and that a  
majority of the members or directors voted to resume carrying on  
14 activities, ~~shall--authorize--sueh~~ authorizes that corporation to  
carry on activities; and after ~~sueh~~ that certificate is filed, ~~it~~  
16 ~~shall--be~~ the corporations is required to file ~~biennial~~ annual  
reports.

18 **Sec. A-38. 13-B MRSA §1301-A**, as amended by PL 1991, c. 465,  
20 §31, is repealed.

22 **Sec. A-39. 13-B MRSA §1301-B**, as enacted by PL 1989, c. 875,  
Pt. E, §12, is repealed.

24 **Sec. A-40. 13-B MRSA §1302**, as amended by PL 1977, c. 694,  
26 §290, is further amended to read:

28 **§1302. Failure to file annual report; incorrect report; penalties**

30 **1. Failure to file annual report.** Any corporation which  
32 that is required to deliver a-~~biennial~~ an annual report for  
filing, as provided by section 1301, and which fails to deliver  
its properly completed ~~biennial~~ annual report to the Secretary of  
34 State, shall pay, ~~after--January-1,--1981,~~ the sum of \$10 for each  
failure to se file on time. Upon failure to file a-~~biennial~~ the  
36 annual report and to pay annual report fee and the penalty, the  
Secretary of State notwithstanding Title 4, ~~Chapter~~ chapter 25,  
38 and Title 5, ~~Chapter~~ chapter 375, shall, ~~after--January-1,--1981,~~  
revoke a foreign corporation's authority to carry on activities  
40 in this State and suspend a domestic corporation from carrying on  
activities. ~~He~~ The Secretary of State shall use the procedures  
42 set forth in section 1210, relative to revoking the right of  
foreign corporations to carry on activities in this State, for  
44 suspending domestic corporations. A foreign corporation whose  
authority to carry on activities in this State has been revoked  
46 under this subsection and which that wishes to carry on  
activities again in this State must be authorized as provided in  
48 section 1202. A domestic corporation which that has been  
suspended under this subsection may be reinstated by filing the  
50 current ~~biennial~~ annual report and by paying the penalty ~~for--the~~

2 ~~current biennium and for each biennium that it has failed to file~~  
3 ~~a biennial report~~ accrued.

4 2. **Nonconformity.** If the Secretary of State finds that any  
5 ~~biennial~~ annual report delivered for filing does not conform with  
6 the requirements of section 1301, he the Secretary of State may  
7 return the report for correction.

8  
9 3. **Time limit specified.** If the ~~biennial~~ annual report of a  
10 corporation is not received by the Secretary of State within the  
11 time specified in section 1301, the corporation ~~shall--be~~ is  
12 excused from the liability provided in this section and from any  
13 other penalty for failure to timely file the report if it  
14 establishes, to the satisfaction of the Secretary of State, that  
15 its failure to file was the result of excusable neglect and it  
16 furnishes the Secretary of State with a copy of such that report  
17 within 30 days after it learns of the nondelivery of the original  
18 report.

19  
20 **Sec. A-41. 13-B MRSA §1302-A, sub-§4,** as amended by PL 1989,  
21 c. 875, Pt. E, §13, is further amended to read:

22  
23 4. **Report dates.** The power, through the rule-making  
24 process, to provide alternative dates for filing annual ~~or~~  
25 ~~biennial~~ reports and for determining the dates covered by those  
26 reports.

27  
28 **Sec. A-42. 13-B MRSA §1401, sub-§31,** as enacted by PL 1989, c.  
29 875, Pt. E, §16, is amended to read:

30  
31 31. **Annual report.** Annual report of a ~~condominium~~ domestic  
32 or foreign corporation as provided by section ~~1301-A~~ 1301, \$45 a  
33 prudent and nominal fee to be established by the Secretary of  
34 State under the provisions of the Maine Administrative Procedure  
35 Act.

36  
37 **Sec. A-43. 17 MRSA §2264, sub§-5,** as enacted by PL 1989, c.  
38 820, §4, is amended to read:

39  
40 5. **Vehicle operator.** From a vehicle. When any litter is  
41 thrown or discarded from a vehicle, both the operator of the  
42 vehicle, unless it is a vehicle being used for the carriage of  
43 passengers for hire, and the person actually disposing of the  
44 litter are in violation of this section. The violation is  
45 punishable as a traffic infraction under Title 29, chapter 19.  
46 This penalty is in addition to any penalty under section 2264-A.

47  
48 A record of a violation of this subsection must be forwarded to  
49 the Secretary of State who, in accordance with Title 29, section  
50 2304, shall add the violation to the department's point system

2 and-the. The violation is counted in determining an individual's  
total points under the point system of the Division Bureau of  
Motor Vehicles.

4 Sec. A-44. 17 MRSA §2275, as amended by PL 1989, c. 878, Pt.  
6 B, §14, is further amended to read:

8 **§2275. Driver license and registration procedures**

10 The Division Bureau of Motor Vehicles shall include a  
summary of this chapter with each reregistration and new vehicle  
12 operator license issued.

14 The Division Bureau of Motor Vehicles shall include a  
summary of this chapter in the next revision and printing of the  
16 driver license information materials and shall include at least  
one question concerning the contents of section 2265 in the  
18 driver's license examination.

20 Sec. A-45. 21-A MRSA §621, first ¶, as enacted by PL 1985, c.  
161, §6, is amended to read:

22 The warrants must be sent to the municipal clerk and the  
24 municipal officers of each municipality shall announce an  
election as follows.

26 Sec. A-46. 22 MRSA §2167, 2nd ¶, as enacted by PL 1987, c.  
28 374, is repealed.

30 Sec. A-47. 22 MRSA §2168, sub-§4 is enacted to read:

32 4. Reinspection required for violations. If, upon  
34 inspection, the commissioner finds a licensee under this  
subchapter to be in violation of requirements of this subchapter  
36 or rules adopted under this subchapter, the commissioner shall  
issue a written citation describing the violation, the required  
38 corrective action to be taken by the licensee and the date by  
which the correction must be made. If the corrective action has  
40 not been taken within the specified period and a 3rd inspection  
is required in any one year, the commissioner may charge the  
42 licensee a reinspection fee not to exceed \$50. The commissioner  
shall notify the licensee in writing about the reinspection fee  
44 at the time the original citation is issued.

46 Sec. A-48. 22 MRSA §2172 is enacted to read:

48 **§2172. Fines and penalties**

50 1. Authorization. The department is authorized to impose  
one or more of the following sanctions when a violation of this

2 chapter, or rules enacted pursuant to this chapter, occurs and  
3 the department determines that a sanction is necessary and  
4 appropriate to ensure compliance with state licensing rules or to  
5 protect the public health.

6 A. The department may impose penalties for violations of  
7 this chapter, or the rules adopted pursuant to this chapter,  
8 on any food establishment or food salvage establishment.  
9 The penalties may not be greater than \$50 for each  
10 violation. Each day that the violation remains uncorrected  
11 may be counted as a separate offense. Penalties may be  
12 imposed for each violation of the rules.

13 B. The department may direct a food establishment or food  
14 salvage establishment to correct any violations in a manner  
15 and within a time frame that the department determines is  
16 appropriate to ensure compliance with state rules or to  
17 protect the public health. Failure to correct violations  
18 within the time frame constitutes a separate violation for  
19 which a fine may be imposed.

20 C. Any person, corporation, firm or copartnership that  
21 operates any food establishment or food salvage  
22 establishment without first obtaining a license as required  
23 by this chapter must be punished, upon conviction, by a fine  
24 of not less than \$10 nor more than \$100, and upon 2nd or  
25 subsequent conviction, must be punished by a fine of not  
26 less than \$100. Each day any person, corporation, firm or  
27 copartnership operates without obtaining a license  
28 constitutes a separate offense.

29 D. In the event of any violation of this section or any  
30 rule adopted pursuant to this chapter, the Attorney General  
31 may seek to enjoin a further violation, in addition to any  
32 other remedy.

33 2. Schedule of penalties. The department shall establish a  
34 schedule of penalties according to the nature and duration of the  
35 violation.

36 3. Enforcement and appeal. Enforcement and appeal of this  
37 section is as follows.

38 A. The department may impose any fine in conformity with  
39 the Title 5, chapter 375, subchapter IV, if the department  
40 has provided the licensee with the opportunity for an  
41 administrative hearing.

42 B. Licensees that are fined pursuant to this chapter are  
43 required to pay the department the amount of the penalties.

2 If a licensee has not paid any collectible fine by the time  
4 of license renewal, the department may collect the fine by  
6 requiring payment prior to the processing of any license  
8 renewal application. An appeal of the department's decision  
10 to fine a licensee stays the collection of the fine.  
12 Interest accrues on a fine at the rate specified in Title  
14 14, section 1602 prior to the completion of any appeal.  
16 After the completion of any appeal process or after any  
18 appeal period has passed, interest accrues pursuant to Title  
20 14, section 1602-A.

12 **Sec. A-49. 24-A MRSA §2916-A, sub-§1, ¶I,** as enacted by PL  
14 1979, c. 336, §1, is amended to read:

16 I. Filing a false document with the Secretary of State or  
18 the Bureau of Motor Vehiele--Division Vehicles or using a  
20 license or registration obtained by filing a false document  
with the Secretary of State or the Bureau of Motor Vehiele  
Division Vehicles;

22 **Sec. A-50. 24-A MRSA §6052, sub-§2,** as amended by PL 1991, c.  
24 591, Pt. Q, §5, is further amended to read:

26 **2. Reserve fund.** A reserve fund must be established to pay  
28 any expenses and claims above premium income. This reserve must  
30 be funded by an assessment on all revenues of all hospitals in  
32 the State or may be funded by an appropriation. The amount of the  
34 assessment must be determined and adjusted annually by the board  
and may, in no event, exceed .0015 of all hospitals' gross  
patient services revenues, as determined by the Maine Health Care  
Finance Commission. ~~The--assessments--and--expenditures--of--the~~  
~~organization--are--subject--to--legislative--approval.~~ An assessment  
may not be made on any hospital pursuant to this section after  
July 1, 1991.

36 **Sec. A-51. 24-A MRSA §6052, sub-§3,** as amended by PL 1991, c.  
38 578, §1, is further amended to read:

40 **3. Board of directors established.** The Governor shall  
42 appoint a board of directors for the organization. The board is  
44 composed of 7 members. Six of those members must represent the  
46 following interests: Two members must represent consumers of  
48 health insurance who are not otherwise affiliated with the  
50 provision or financing of health care; one member must represent  
~~domestic--commercial--insurers~~ insurance producers; one member must  
represent nonprofit hospital and medical service organizations;  
one member must represent hospitals; and one member must be the  
Superintendent of Insurance, or a designee. The remaining member  
may not be an insurance producer or a representative of insurance  
producers. Appointments are for 5-year terms, except that no



more than 2 members' terms may expire in any one calendar year. Appointments for terms of less than 5 years may be made initially and to replace vacancies, if necessary, to maintain the appropriate staggered terms of office. Members serve until their successors are appointed and qualified. The Governor shall designate the chair of the board. The chair of the board shall schedule an organizational meeting within 60 days of appointment.

**Sec. A-52. 24-A MRSA §6053, sub-§1**, as enacted by PL 1987, c. 542, Pt. H, §5, is amended to read:

1. **Establish a plan of operation.** Establish a plan of operation for the organization to assure ensure the fair, reasonable effective, efficient and equitable administration of the organization, which may be amended as necessary;

**Sec. A-53. 24-A MRSA §6061**, as amended by PL 1989, c. 875, Pt. H, §2, is repealed.

**Sec. A-54. 25 MRSA §2396, first ¶**, as amended by PL 1985, c. 785, Pt. B, §111, is further amended to read:

The office of State Fire Marshal is hereby established as a bureau within the Department of Public Safety. The Commissioner of Public Safety shall appoint, as State Fire Marshal, a person experienced in fire prevention work, who may be removed for cause by the commissioner. The State Fire Marshal shall appoint, subject to the Civil Service Law, such investigators, inspectors and other employees as may ~~be~~ are necessary to carry out the duties assigned to ~~his~~ the office. The State Fire Marshal shall ~~carry-out~~ has all of the duties and responsibilities assigned to ~~his~~ the office and such other duties as may be prescribed or delegated by the Commissioner of Public Safety and ~~he~~ the State Fire Marshal shall devote his full time to the duties of his the office.

**Sec. A-55. 25 MRSA §2396, 2nd ¶**, as repealed and replaced by PL 1973, c. 632, §6, is amended to read:

It ~~shall-be~~ is the duty of the said State Fire Marshal, ~~his~~ the State Fire Marshal's deputy and such any inspectors and investigators to enforce all of the laws, ordinances, and rules ~~and-regulations-premulgated~~ adopted by the Commissioner of Public Safety or enforceable by ~~him~~ the Commissioner of Public Safety, directed toward and concerned with protection of the public in the following areas:

**Sec. A-56. 25 MRSA §2396, sub-§7**, as repealed and replaced by PL 1973, c. 632, §6, is amended to read:

2           7. **Other duties.** The performance of such other duties as  
3 are set forth in this and other sections of the statutes and as  
4 may be conferred or imposed from time to time by law. The State  
5 Fire Marshal, his the State Fire Marshal's deputy and ~~inspecters~~  
6 investigators appointed under this Title shall carry out those  
7 functions which that the Commissioner of Public Safety may direct  
8 and in so doing shall have the same enforcement powers and duties  
9 throughout the State as sheriffs have in their respective  
10 counties. Such The enforcement powers are to be limited in scope  
11 to enforcement of statutes, ordinances, and rules and ~~regulations~~  
12 concerned with fire prevention, arson and other burnings and  
13 enforcement of such other specific areas of responsibility as may  
14 ~~by statute be~~ are assigned to the office of State Fire Marshal by  
15 statute, and to arrest for impersonation of or interference with,  
16 the State Fire Marshal, his the State Fire Marshal's deputy or  
~~fire-inspectors~~ their designees.

18           **Sec. A-57. 28-A MRSA §2520, sub-§4**, as enacted by PL 1989, c.  
19 526, §§26 and 28, is repealed.

20           **Sec. A-58. 29 MRSA §102**, as amended by PL 1991, c. 10, is  
21 further amended to read:

22           **§102. Persons required to register; tows; applications**

23           Except as section 2243 provides for reciprocity with other  
24 states, any resident person, firm or corporation, or owner as  
25 defined in section 1, who fails to register any vehicle to be  
26 operated, caused to be operated or remain on any way in this  
27 State ~~shall be guilty of~~ commits a misdemeanor Class E crime.  
28 The owner or operator of a vehicle operated with an expired  
29 registration during the 30 days immediately after the expiration  
30 of the registration shall must be issued a warning, rather than a  
31 summons, in a form to be designated by the Chief of the State  
32 Police. This warning shall must state that the owner or operator  
33 shall, within 2 business days, cause the vehicle to be registered  
34 in accordance with this chapter. The warning shall must further  
35 state that, because the owner or operator was found operating an  
36 unregistered vehicle during the 30 days immediately after the  
37 expiration of the registration, the renewed registration shall  
38 ~~expire~~ expires on the same month as the previous registration and  
39 the registration fee shall ~~be~~ is that of a full year registration.

40           No vehicle may be operated, or remain upon any way, unless  
41 the same is registered and equipped in accordance with this  
42 Title, ~~excepting~~ except that any officer of the State Police, any  
43 sheriff or full-time deputy sheriff or any full-time municipal  
44 police officer or certified reserve officer while on duty may,  
45 when in the officer's opinion the same action is necessary and  
46 not detrimental to the public safety, grant a permit in writing

2 for an unregistered motor vehicle to be towed either by a regular  
3 service wrecker or by the use of a towbar. Further, any officer  
4 of the State Police, any sheriff or full-time deputy sheriff, any  
5 full-time municipal police officer or certified reserve officer  
6 while on duty and certain employees of the Bureau of Motor  
7 Vehicle--Division Vehicles designated by the Secretary of State  
8 shall issue a permit to allow the operation of an unregistered  
9 motor vehicle only to the owner's residence or to an office of  
10 the Bureau of Motor Vehicle--Division Vehicles for the sole  
11 purpose of renewing the registration of that vehicle by the same  
12 owner as indicated on the expired registration certificate. For  
13 the purposes of this paragraph, a certified reserve officer is an  
14 officer who has attended the 100-hour reserve training program  
15 sponsored by the Maine Criminal Justice Academy and has received  
16 the academy's certification as a reserve officer. The permit may  
17 be issued only when the previous registration on the vehicle has  
18 expired within 30 days. The permit may is not remain valid for  
19 more than 3 consecutive days including the date of issuance.  
20 Application for the registration may be made by mail or otherwise  
21 to the Secretary of State upon blanks prepared under the  
22 Secretary of State's authority. The application must be signed  
23 by the owner and contain such--particulars--as--may--be the  
24 information required by the Secretary of State, including the  
25 name, residence and address of the owner, current mileage, with a  
26 brief description of the vehicle, the name of its maker, vehicle  
27 identification number, the amount of motive power, stated in  
28 figures of horsepower, the type of motor fuel if other than  
29 gasoline as defined in Title 36, section 2902, under the phrase  
30 "internal combustion engine fuel" and the actual gross weight of  
the vehicle if intended for commercial use.

32 No trailer or semitrailer may be towed or remain upon any  
33 way, unless the trailer or semitrailer is registered and equipped  
34 in accordance with this Title, except that a permit may be  
35 granted at and by a municipal police department, sheriff's  
36 office, State Police Regional Communication Center or field  
37 office or an office of the Bureau Division of Motor Vehicles to  
38 tow an unregistered trailer or semitrailer with a gross weight of  
39 not more than 3,000 pounds, for one trip only, between the points  
40 of origin and destination. The permit shall is not remain valid  
41 for more than 3 consecutive days, including the date of  
42 issuance. The application shall must include the name of the  
43 applicant, residence and address of the applicant, a brief  
44 description of the trailer or semitrailer, the name of its maker  
45 and the points of origin and destination.

46 **Sec. A-59. 29 MRSA §102-A, sub-§2,** as enacted by PL 1991, c.  
48 216, §1 and as affected by §3, is amended to read:

2           **2. Method of establishing evidence of insurance.** A person  
3 establishes insurance by showing the vehicle insurance  
4 identification card, as defined by section 781, subsection 1,  
5 paragraph A-2, to either the municipal agent or the Division  
6 Bureau of Motor Vehicles, except that a person registering the  
7 vehicle for the first time may establish insurance by presenting  
8 a letter from an insurance company or agent showing that the  
9 vehicle is insured.

10           **Sec. A-60. 29 MRSA §151**, as amended by PL 1975, c. 731, §27,  
11 is further amended to read:

12           **§151. Certificate not transferable; notice of transfer**

13  
14           Upon the transfer of ownership, other than a transfer to the  
15 surviving spouse, of any vehicle, its registration shall ~~expire~~  
16 expires and the person in whose name such vehicle is registered  
17 shall ~~forthwith~~ return the certificate of registration to the  
18 Secretary of State with a written notice containing the date of  
19 the transfer of ownership and the name, place of residence and  
20 address of the vendee and a description of the vehicle, including  
21 its motor, serial, or vehicle identification number. In addition  
22 to the items listed in this section, the transferor of a motor  
23 vehicle shall include on said the notice the odometer reading at  
24 the time of transfer and shall otherwise comply with ~~Title-17,~~  
25 ~~section--1609-A~~ sections 364-A and 365. Upon surrender of the  
26 registration form to the Bureau of Motor Vehicle--Division  
27 Vehicles of the Secretary of State, the Secretary of State shall  
28 may not issue a new registration unless the information required  
29 by ~~Title-17,--section--1609-A~~ sections 364-A and 365 has been  
30 completed on the surrendered registration form.

31  
32           **Sec. A-61. 29 MRSA §245-A, 2nd ¶**, as repealed and replaced by  
33 PL 1977, c. 481, §8, is amended to read:

34  
35           With the concurrence of the Commissioner of Transportation,  
36 the Secretary of State is authorized to ~~promulgate~~ adopt rules  
37 ~~and--regulations~~ for the payment of the fees required under this  
38 section in annual or biennial installments. In ~~promulgating--such~~  
39 adopting rules and ~~--regulations~~, the Secretary of State shall  
40 consider the financial impact of the registration fee on the  
41 registrants, the benefit or burden of such installment paying  
42 payments on the state revenues and the difficulty which that the  
43 Bureau of Motor Vehicle--Division Vehicles may encounter in  
44 administering this section.

45           **Sec. A-62. 29 MRSA §246, 11th ¶**, as amended by PL 1973, c.  
46 714, §§1 and 2, is further amended to read:

47  
48           When a truck is already registered, the owner may receive a  
49 short-term permit allowing him the owner to haul loads of larger  
50

2 tonnage, ~~providing-such~~ if the loads are not in excess of the  
 4 requirements of section 1652, for a limited period of 8 months or  
 6 less. These short-term permits may be obtained, upon payment of  
 8 the required fee, from any branch office of the Bureau of Motor  
 10 Vehicle-Division Vehicles of the Department Secretary of State,  
 12 from such troop barracks of the Maine State Police as ~~shall-be~~  
 14 are designated by mutual agreement of the Commissioner of Public  
 16 Safety and the Secretary of State, or from any agent of the  
 18 Secretary of State who has been appointed for that specific  
 20 purpose. ~~Such-agents~~ Agents appointed by the Secretary of State  
 may charge any an applicant for a short-term permit \$1 extra over  
 and above the required permit fee and may retain said the dollar  
 as ~~his~~ compensation for performing this function. ~~Ne--such~~ A  
 permit ~~shall~~ may not be issued for less than one month and ~~no~~ a  
 permit ~~shall~~ may not extend beyond the expiration of the regular  
 license. The appointment of such agents ~~shall-be~~ is limited to  
 either municipal tax collectors or town or city managers. The fee  
 shall-be is a percentage of the difference between the owner's  
 present annual registration fee and the annual fee for the  
 desired tonnage and ~~shall--be~~ is computed according to the  
 following table:

22

24	1-month permit .....	20%
26	2-month permit.....	30%
28	3-month permit .....	40%
30	4-month permit .....	50%
32	5-month permit .....	60%
34	6-month permit.....	70%
36	7-month permit .....	75%
38	8-month permit .....	80%

40 **Sec. A-63. 29 MRSA §245-A, 12th ¶**, as amended by PL 1985, c.  
 735, §§3 and 7, is further amended to read:

42 When a truck is already registered, except for vehicles with  
 44 apportioned registration, the owner may receive a short-term  
 46 permit allowing ~~him~~ the owner to haul loads of larger tonnage,  
 48 ~~providing-such~~ if the loads are not in excess of the requirements  
 of section 1652, for a limited period of 8 months or less. These  
 short-term permits may be obtained, upon payment of the required  
 fee, from any branch office of the Bureau of Motor Vehicle  
 50 Division Vehicles of the Department Secretary of State, from such  
 troop barracks of the Maine State Police as ~~shall-be~~ that are

2 designated by mutual agreement of the Commissioner of Public  
 4 Safety and the Secretary of State, or from any agent of the  
 6 Secretary of State who has been appointed for that specific  
 8 purpose. ~~Sueh-agents~~ Agents appointed by the Secretary of State  
 10 may charge any an applicant for a short-term permit \$1 extra over  
 12 and above the required permit fee and may retain said the dollar  
 14 as his compensation for performing this function. ~~Ne--sueh~~ A  
 16 permit shall may not be issued for less than one month and ~~ne~~ a  
 18 permit shall may not extend beyond the expiration of the regular  
 20 license. The appointment of ~~sueh~~ agents shall ~~be~~ is limited to  
 22 either municipal tax collectors or town or city managers. The fee  
 24 shall ~~be~~ is a percentage of the difference between the owner's  
 26 present annual registration fee and the annual fee for the  
 28 desired tonnage and shall ~~be~~ is computed according to the  
 30 following table:

16	1-month permit .....	20%
18	2-month permit.....	30%
20	3-month permit .....	40%
22	4-month permit .....	50%
24	5-month permit .....	60%
26	6-month permit.....	70%
28	7-month permit .....	75%
30	8-month permit .....	80%

32 **Sec. A-64. 29 MRSA §252-C, 2nd ¶,** as repealed and replaced by  
 34 PL 1985, c. 737, Pt. A, §79, is amended to read:

36 Persons granted prescription requests from their physicians  
 38 may send or present in person this document to an office  
 40 administered by the Division Bureau of Motor Vehicles for  
 42 issuance of a temporary handicapped placard. The Division Bureau  
 of Motor Vehicles shall give priority consideration to these  
 requests. A There is a \$1 fee shall-be-charged for each placard  
 issued.

44 **Sec. A-65. 29 MRSA §354, sub-§2,** as repealed and replaced by  
 46 PL 1979, c. 673, §6, is amended to read:

48 **2. Equipment dealers.** Equipment dealer plates may be  
 50 attached to the vehicles described in paragraphs A to P for  
 demonstration, emergency and service purposes only, unless  
 otherwise prohibited for use on the highways:

- 2           A. Motorized graders;  
4           B. Power shovels;  
6           C. Front-end loaders;  
8           D. Backhoes;  
10          E. Rubber tired bulldozers;  
12          F. Large 4-wheel drive type trucks and snowplows;  
14          G. Motor cranes;  
16          H. Road sweepers;  
18          I. Sidewalk cleaners;  
20          J. Log skidders;  
22          K. Other related heavy equipment;  
24          L. Farm tractors;  
26          M. Self-propelled combines;  
28          N. Harvesters;  
30          O. Other related farm machinery; and  
32          P. Any equipment or motor vehicle taken in trade.

34          A specially designed equipment dealer plate may be attached to a  
36          motor truck used for service in direct connection with the  
38          equipment dealer business. Any motor truck to which a specially  
40          designed equipment dealer plate has been attached shall may not  
42          be used for any purpose except in the service of equipment  
44          directly connected with the business of the equipment dealer. No  
46          equipment dealer business may be provided with more than 3  
48          specially designed equipment dealer plates.

42          The Division Bureau of Motor Vehicles within the Department of  
44          the Secretary of State shall must be reimbursed from the Highway  
46          Fund \$1 for each plate issued in 1980 under this section for  
48          costs incurred by the division bureau to obtain the plates.

48          Sec. A-66. 29 MRSA §540-B, as enacted by PL 1991, c. 199, is  
50          amended to read:

2           **§540-B. Living wills**

4           Subject to available funding, the Secretary of State shall  
6           make living will forms available in offices of the Division  
8           Bureau of Motor Vehicles. The form must be in substantially the  
          form provided in Title 18-A, section 5-702 and with the addition  
          of a title at the top of the form to read "LIVING WILL" and the  
          following information at the end: "Completion of this form is  
          optional."

10           **Sec. A-67. 29 MRSA §582, sub-§4**, as amended by PL 1989, c.  
12           514, §§14 and 25, is further amended to read:

14           **4. Fees and waivers.** If a driver license examination  
16           administered by the ~~Department of~~ Secretary of State requires an  
18           appointment and that appointment is not kept, an additional \$20  
20           fee for a Class A or Class B examination and \$5 for a bus, school  
22           bus or Class C examination shall must be assessed at the time of  
24           reappointment for examination. Upon notification of cancellation  
          to the ~~Department of~~ Secretary of State, Division Bureau of Motor  
          Vehicles, Driver Examination Section, 48 hours prior to the  
          actual examination, the additional fee will be waived. This  
          subsection does not apply to persons required to take an  
          examination because of advanced age or physical disability.

26           **Sec. A-68. 29 MRSA §1313-B, sub-§2**, as enacted by PL 1987, c.  
28           791, §24, is amended to read:

30           **2. Notice of suspension; regular or certified mail.** The  
32           notice of suspension may be sent by regular or certified mail to  
34           the person at the last known address on record at the Division  
          Bureau of Motor Vehicles, or to the address provided in the  
          report of the law enforcement officer if that address differs  
          from the address of record. The notice of suspension may be  
          served in hand.

36           **Sec. A-69. 29 MRSA §1652, sub-§1, ¶F**, as amended by PL 1991,  
38           c. 307, §6 and c. 411, is repealed and the following enacted in  
40           its place:

42           F. Notwithstanding paragraphs A, B and E, a combination  
44           vehicle consisting of a 3-axle tractor operating in  
          combination with a tri-axle semitrailer may be operated or  
          caused to be operated, with a maximum gross weight of  
          100,000 pounds if:

46                           (1) The distance between the extreme axles, excluding  
48                           the steering axle, is not less than 36 feet as measured  
50                           to the nearest foot;



2           (2) The minimum distance between the steering axle and  
3           the first axle of the tandem axle group is at least 10  
4           feet as measured to the nearest foot;

5           (3) The maximum weight on the tandem axle does not  
6           exceed 41,000 pounds and the maximum weight on the  
7           tri-axle does not exceed 50,000 pounds;

8           (4) A general commodity permit authorizing the  
9           operation has been obtained. The permit must be  
10           carried in the vehicle at all times. The fee for an  
11           annual permit is \$252 plus any surcharge required under  
12           subparagraph (6). The fee for a 3-month permit is \$75  
13           plus any surcharge required under subparagraph (6). A  
14           permit may be issued for a registration period of 4  
15           months or more for a fee of \$21 per month plus any  
16           surcharge required under subparagraph (6).

17           Permits may be transferred to another vehicle for an  
18           additional fee of \$2. The permit may be obtained upon  
19           furnishing proof of certification and payment of the  
20           required fee from any branch office of the Secretary of  
21           State, Bureau of Motor Vehicles, or from any agent of  
22           the Secretary of State who has been appointed by the  
23           Secretary of State. Municipal agents may charge the  
24           applicant for a permit \$1 over the required permit fee  
25           and may retain that \$1 for performing this function;

26           All revenue generated by the permit fee authorized  
27           under this subparagraph must be expended for the  
28           enforcement of truck weight regulations;

29           (5) The vehicle is registered for at least 90,000  
30           pounds or the maximum allowable registered weight in  
31           its home jurisdiction;

32           (6) The owner of any vehicle registered in a  
33           jurisdiction where the maximum allowable registered  
34           weight is less than 90,000 pounds pays an annual  
35           surcharge on the general commodity permit of \$105. The  
36           surcharge may be paid for a period of 3 months or more  
37           on a monthly prorated basis;

38           (7) All brakes, axles and suspensions are certified  
39           with respect to weight capacity by a final stage  
40           manufacturer. The certification must be presented  
41           before the permit is issued. The certification must be  
42           affixed to or carried in the vehicle and presented upon  
43           request by any law enforcement officer; and

50

2           (8) A vehicle with a general commodity permit under  
4           this paragraph carries those special commodities  
          specified in section 1655 under the conditions of that  
          section, except that no additional permit is required.

6           Nothing contained in this paragraph applies to vehicles  
8           using the Interstate Highway System, as defined in the  
          Federal Aid Highway Act of 1956.

10          **Sec. A-70. 29 MRSA §1652, sub-§1, ¶F-1** is enacted to read:

12          F-1. For all vehicles manufactured, modified or retrofitted  
14          with liftable or variable load suspension axles after  
16          October 30, 1991, liftable or variable load suspension axles  
18          are permitted only under the following conditions: Only one  
20          liftable or variable load axle may be present on the tractor  
22          and only one liftable or variable load axle may be present  
24          on the semitrailer; liftable or variable load axles must be  
          located on the vehicle so that they are legally part of the  
          tandem axle group or tri-axle group as appropriate; and all  
          controls pertaining to the lifting or lowering of liftable  
          or variable load axles must conform to the expected loading  
          of the suspension and must be 20,000 pounds or more.

26          **Sec. A-71. 29 MRSA §1655, 6th ¶**, as repealed and replaced by  
PL 1989, c. 528, §§8 and 16, is amended to read:

28          Special commodity permits may be obtained from any branch  
30          office of the Division Bureau of Motor Vehicles or from any agent  
32          of the Secretary of State who has been appointed for that  
34          specific purpose. Any agent appointed by the Secretary of State  
36          may charge any an applicant for a commodity permit \$1 for the  
38          issuance of a special commodity permit and may retain the dollar  
          as the agent's compensation for performing this function. Every  
          special commodity permit ~~shall expire~~ expires with the annual  
          registration of the vehicle. The appointment of agents ~~shall be~~  
          is limited to either municipal tax collectors and or town or city  
          managers.

40          **Sec. A-72. 29 MRSA §2352, sub-§1, ¶A**, as amended by PL 1989,  
c. 481, Pt. A, §29, is further amended to read:

42            A. \$10:

44                   (1) For a certificate of search of the records of the  
46                   Bureau of Motor Vehicle-Division Vehicles for each name  
                  or identification number searched against; and

48                   (2) For a certificate of title issued pursuant to  
50                   section 2364;

2           **Sec. A-73. 29 MRSA §2510, sub-§1**, as amended by PL 1985, c.  
429, §24, is further amended to read:

4  
6           **1. Temporary permits.** The Chief of the State Police, the  
sheriff of each county or his the sheriff's deputy, a State  
8 Police officer, employees of the Division Bureau of Motor  
10 Vehicles designated by the Deputy Secretary of State and any  
municipal police officer may issue a permit to an owner of a  
12 motor vehicle which that is not inspected to enable him the owner  
to operate the vehicle to an inspection station for the purpose  
14 of complying with this law. This section does not apply to  
reconstructable motor vehicles as defined in Title 10, section  
1471.

16           **Sec. A-74. 29 MRSA §2713, sub-§3, ¶B-1**, as amended by PL 1991,  
c. 547, §2, is further amended to read:

18           B-1. There must be allocated to the Department of the  
20 Secretary of State for the Division Bureau of Motor Vehicles  
up to \$650,000 annually from the fund to carry out the  
22 duties of the commercial driver license laws.

24           **Sec. A-75. 32 MRSA §9552, first ¶**, as amended by PL 1989, c.  
503, Pt. B, §151, is further amended to read:

26           The Board of Commercial Driver Education, as established by  
28 Title 5, section 12004-A, subsection 12, ~~shall--administer~~  
administers this chapter and ~~shall--be~~ is composed of 5 members.  
30 The Governor shall appoint 4 members, as follows: Two members  
shall must be representatives of Class A schools, as defined in  
32 section 9601; one shall must be a representative of Class B  
schools, as defined in section 9601; and one member shall must  
34 be a public representative. The 5th member shall ~~be~~ is the  
Director of the Division Bureau of Motor Vehicles or that  
36 director's designee. The term of office of each member shall ~~be~~  
is 4 years, except that, of the 3 school members on the first  
38 board appointed under this subchapter, one shall ~~be~~ is appointed  
for 2 years and one shall ~~be~~ is appointed for 3 years.  
40 Thereafter, appointments shall ~~be~~ are for 4-year terms, except  
that no more than one school member's term may expire in any one  
42 calendar year and appointments for terms of less than 4 years may  
be made in order to comply with this limitation.

44           **Sec. A-76. 32 MRSA §9607, sub-§2**, as enacted by PL 1981, c.  
46 456, Pt. A, §113, is amended to read:

48           **2. Agents.** The board may contract with the Division Bureau  
of Motor Vehicles in the Department of the Secretary of State to  
50 serve as an agent for the purposes of this section.



2	TOTAL	(\$67,518)
4	Provides for the deallocation of funds to be	
6	consolidated with a similar licensing	
8	account to effect a recommendation of the	
	Joint Standing Committee on Audit and	
	Program Review.	
10	<b>Licensing and Enforcement - Beano</b>	
12	<b>and Games of Chance</b>	
	Positions	(-6.0)
14	Personal Services	(\$261,258)
	All Other	(52,348)
16	Capital Expenditures	(14,992)
18	TOTAL	(\$328,598)
20	Provides for the deallocation of funds to be	
22	consolidated with a similar licensing	
24	account to effect a recommendation of the	
	Joint Standing Committee on Audit and	
	Program Review.	
26	<b>Licensing and Enforcement - Public Safety</b>	
28	Positions	(8.0)
	Personal Services	\$319,333
30	All Other	61,791
	Capital Expenditures	14,992
32	TOTAL	\$396,116
34	Provides for the allocation of funds to	
36	consolidate 2 licensing accounts, pursuant	
38	to a recommendation of the Joint Standing	
	Committee on Audit and Program Review.	
40	<b>DEPARTMENT OF PUBLIC SAFETY</b>	
	<b>TOTAL</b>	\$-0-
42	<b>Sec. A-80. Allocation.</b> The following funds are allocated from	
44	the Transportation Safety Fund for the fiscal year ending June	
46	30, 1993 to carry out the purposes of this Act.	
48	<b>PUBLIC SAFETY, DEPARTMENT OF</b>	
50	<b>Motor Carrier Safety</b>	

2	Positions	(-35.0)
	Personal Services	(\$1,646,566)
	All Other	(235,676)
4	Capital Expenditures	(45,279)
6	<b>TOTAL</b>	<u>(\$1,927,521)</u>

8 Provides for the deallocation of funds to be  
 10 consolidated with a traffic safety account  
 12 to effect a recommendation of the Joint  
 Standing Committee on Audit and Program  
 Review.

**14 Traffic Safety**

16	Positions	(-6.0)
	Personal Services	(\$358,426)
18	All Other	(58,131)
20	<b>TOTAL</b>	<u>(\$416,557)</u>

22 Provides for the deallocation of funds to be  
 24 consolidated with a similar motor carrier  
 account to effect an audit recommendation of  
 the Joint Standing Committee on Audit and  
 26 Program Review.

**28 Traffic Safety - Commercial  
 Vehicle Enforcement**

30	Positions	(41.0)
32	Personal Services	\$2,004,992
	All Other	293,807
34	Capital Expenditures	45,279
36	<b>TOTAL</b>	<u>\$2,344,078</u>

38 Provides for the allocation of funds to  
 40 consolidate 2 similar accounts, pursuant to  
 a recommendation of the Joint Standing  
 Committee on Audit and Program Review.

**42 DEPARTMENT OF PUBLIC SAFETY**  
**44 TOTAL**

\$-0-

46 **Sec. A-81. Reallocated; consolidated account.** All accrued  
 48 expenditures, assets, liabilities, balances of funds, transfers,  
 revenues or other available funds allocated to the Department of  
 Public Safety, Other Special Revenue accounts entitled "Private  
 50 Investigator Licensing and Licensing and Enforcement - Beano and

2 Games of Chance" must be reallocated to the Licensing  
3 Enforcement-Public Safety account by the State Controller. The  
4 Department of Public Safety shall prepare all future budgets  
5 using the consolidated account of Licensing Enforcement - Public  
6 Safety.

7 **Sec. A-82. Reallocated; consolidated account.** All accrued  
8 expenditures, assets, liabilities, balances of funds, transfers,  
9 revenues or other available funds allocated to the Transportation  
10 Safety Fund accounts entitled "Motor Carrier Safety and Traffic  
11 Safety," must be reallocated to the Traffic Safety-Commercial  
12 Vehicle Enforcement account by the State Controller. The  
13 Department of Transportation shall prepare all future budgets  
14 using the consolidated account of Traffic Safety-Commercial  
15 Vehicle Enforcement.

16 **PART B**

17  
18  
19 **Sec. B-1. 2 MRSA §6, sub-§5,** as amended by PL 1989, c. 612, is  
20 further amended to read:

21  
22 **5. Range 86.** The salaries of the following state officials  
23 and employees shall be are within salary range 86:

24  
25 Director of Labor Standards;

26  
27 Deputy Chief of the State Police;

28  
29 Director of State Lotteries;

30  
31 State Archivist;

32  
33 Director of Maine Geological Survey;

34  
35 Executive Director, Maine Land Use Regulation Commission;

36  
37 Director of the Risk Management Division;

38  
39 Chairman Chair, Maine Unemployment Insurance Commission;

40  
41 Director of the Bureau of State Employee Health;

42  
43 Child Welfare Services Ombudsman;

44  
45 Director of the ~~Bureau of Intergovernmental Drug Enforcement~~  
46 Maine Drug Enforcement Agency;

47  
48 Deputy Director, Operations, Retirement System;

49  
50

2 Deputy Director, Investments, Retirement System;

4 Deputy Director, Administrative and Legal Affairs,  
Retirement System; and

6 Executive Director, Maine Science and Technology Commission.

8 **Sec. B-2. 5 MRSA §7-B**, as amended by PL 1991, c. 618, §1 and  
10 as affected by §7, is further amended to read:

12 **§7-B. Use of state vehicles for commuting**

14 No state-owned or state-leased vehicle may be used by any  
16 employee to commute between home and work, except for those  
18 vehicles authorized and assigned to a law enforcement official  
20 within the following organizational units: Bureau of State  
22 Police; ~~Bureau of Intergovernmental Drug Enforcement~~ Maine Drug  
Enforcement Agency; Office of the State Fire Marshal; Bureau of  
Liquor Enforcement; ~~Division~~ Bureau of Motor Vehicles; Bureau of  
Marine Patrol; Bureau of Forestry; Division of Forest Fire  
Control; Bureau of Warden Service; and Bureau of Parks and  
Recreation.

24 **Sec. B-3. 5 MRSA §200-A**, as enacted by PL 1967, c. 58, §1, is  
26 amended by adding at the end a new paragraph to read:

28 The Attorney General shall conduct and control all  
drug-related investigations of public officials or members of the  
law enforcement community.

30 **Sec. B-4. 5 MRSA §948, sub-§1, ¶¶ I and J**, as enacted by PL  
32 1987, c. 666, §4, are amended to read:

34 I. Director, ~~Bureau of Intergovernmental~~ Maine Drug  
36 Enforcement Agency; and

38 J. Assistant Director, ~~Bureau of Intergovernmental~~ Maine  
Drug Enforcement Agency.

40 **Sec. B-5. 25 MRSA §1631, first ¶**, is amended to read:

42 All criminal and administrative records of the State Police  
44 and, the Bureau of Identification and the Maine Drug Enforcement  
Agency are declared to be confidential, except:

46 **Sec. B-6. 25 MRSA § 2901**, as amended by PL 1989, c. 648, §2,  
48 is further amended to read:

50 **§2901. Department; commissioner**



2 There is created and established the Department of Public  
3 Safety to coordinate and efficiently manage the law enforcement  
4 and public safety responsibilities of the State, to consist of  
5 the Commissioner of Public Safety, in this chapter called  
6 "commissioner," who shall--be is appointed by the Governor,  
7 subject to review by the joint standing committee of the  
8 Legislature having jurisdiction over state and local government  
9 matters and to confirmation by the Legislature, to serve at the  
10 pleasure of the Governor, and the following as--created--and  
11 established: the Bureau of State Police, the Bureau of Liquor  
12 Enforcement, the Office of the State Fire Marshal, the Maine  
13 Criminal Justice Academy, the Maine Highway Safety Commission,  
14 the Bureau of Highway Safety and the ~~Bureau of Intergovernmental~~  
Maine Drug Enforcement Agency.

16 **Sec. B-7. 25 MRSA §2902, sub-§4,** as amended by PL 1989, c.  
17 648, §3 and c. 700, Pt. A, §101, is repealed and the following  
18 enacted in its place:

20 **4. Maine Highway Safety Commission.** The Maine Highway  
21 Safety Commission, as authorized by Title 5, section 12004-I,  
22 subsection 83, is under the direction of the Commissioner of  
23 Public Safety and advisory to the Governor. The commission  
24 consists of not more than 25 members selected by the Governor  
25 from state, civic and industrial organizations and individuals  
26 with interests related to highway safety. The Commissioner of  
27 Public Safety, the Commissioner of Transportation, the  
28 Commissioner of Human Services, the Commissioner of Education,  
29 the Secretary of State and the Attorney General serve as ex  
30 officio members. The ex officio members shall appoint persons in  
31 major policy-influencing positions as their designees to  
32 represent them at meetings of the commission with voting  
33 privileges. The commission members serve at the pleasure of the  
34 Governor and are entitled to compensation in accordance with  
35 Title 5, chapter 379. The commission shall stimulate active  
36 support for highway safety measures and programs and advise the  
37 Department of Public Safety regarding these issues. The  
38 commission shall report annually its findings and  
39 recommendations, including any necessary implementing legislation  
40 to the Governor and to the joint standing committee of the  
41 Legislature having jurisdiction over state and local government  
42 matters;

44 **Sec. B-8. 25 MRSA §2902, sub-§6,** as amended by PL 1989, c.  
45 648, §4, is further amended to read:

46 **6. Maine Drug Enforcement Agency.** ~~The Bureau--of~~  
47 ~~Intergovernmental~~ Maine Drug Enforcement Agency, which shall-be  
48 is under the direction of the Director of the ~~Bureau--of~~  
49 ~~Intergovernmental~~ Maine Drug Enforcement Agency; and  
50



2 Department of Corrections; the Attorney General; the Chief of the  
Maine State Police; a representative of the United States  
4 Attorney for the District of Maine; and 2 public members who are  
appointed by the Governor 3--other--members--appointed--by--the  
6 Governor--for--terms--of--2--years,--one--of--whom--shall--be--a  
representative of municipal law enforcement, one of whom shall be  
8 a representative of the sheriffs of the respective counties and  
one of whom shall be a representative of the district attorneys  
of the respective counties; and the commissioner who shall serve  
10 ex-officio. The board shall provide advice, and consultation and  
direction for the to the agency regarding drug law enforcement  
12 effort within the State. This effort shall must include the  
integration and coordination of investigative and prosecutorial  
14 functions in the State with respect to drug law enforcement. The  
board shall also make recommendations to the Legislature as it  
16 determines to be appropriate for the implementation of an  
effective drug law enforcement program.

18 The board, in addition to these responsibilities, with the  
20 commissioner, shall direct, coordinate and oversee the  
integration of law enforcement officers from county, municipal  
22 and all state law enforcement agencies, into the bureau.

24 Sec. B-13. 25 MRSA §2955, as amended by PL 1991, c. 154, §§1  
and 2, is further amended to read:

26 **§2955. Maine Drug Enforcement Agency**

28 The commissioner, in conformity with the advice consultation  
30 and direction of the board, shall establish and operate within  
the Bureau of Intergovernmental Maine Drug Enforcement such  
32 Agency regional investigative task forces as that the  
commissioner determines, in consultation with the board, are  
34 required for effective drug law enforcement throughout the State.

36 The investigative component of each task force shall be is  
38 comprised of law enforcement officers drawn from municipal,  
county and state law enforcement agencies, who, during the period  
in which they serve in the task force, shall must be placed on a  
40 temporary assignment by their employing law enforcement agencies  
and in the nonclassified positions within the bureau agency as  
42 established. All bureau agency investigative personnel shall are  
not be state employees, as defined in Title 26, section 979-A,  
44 subsection 6 for the purposes of Title 26, chapter 9-B. All  
bureau agency investigative personnel shall act in accordance  
46 with such the rules as may be promulgated by the commissioner and  
subject to, policies and procedures established by the board  
48 commissioner. In determining the number, areas of responsibility  
and investigative complement of these task forces, the  
50 commissioner shall take into account geography, population, the

2 need for service and the advice, ~~consultation and direction~~  
provided by the board.

4 1. **Director.** The bureau shall-be agency is managed by a  
director who shall-~~report~~ reports to the commissioner. The  
6 director must be an experienced law enforcement officer. The  
director shall-be is appointed by the commissioner ~~from a list of~~  
8 at least 3 persons recommended by the board and shall serve,  
10 reviewed by the joint standing committee of the Legislature  
having jurisdiction over state and local government matters and  
12 confirmed by the Legislature. The director serves at the  
pleasure of the commissioner. Eligibility for this appointment  
shall may not be dependent upon the parent law enforcement  
14 agency, if any, of the person selected. If the person selected  
is currently an employee of any state, county or local law  
16 enforcement agency, the person shall must be placed on a  
temporary assignment by the person's employing agency. The  
18 director shall report directly to the commissioner,  
notwithstanding any existing command structure of the person's  
20 employing agency. Notwithstanding any other provision of law,  
the person shall-~~retain~~ retains and ~~continue~~ continues to accrue  
22 seniority and retirement rights and benefits within the person's  
employing agency for the time in which the person serves as  
24 director.

26 2. **Assistant director.** The director of the bureau shall-be  
agency is assisted by an assistant director. The assistant  
28 director must be an experienced law enforcement officer and may  
exercise any of the powers of the director as the director may  
30 delegate. The assistant director shall-be is appointed by and  
serve serves at the pleasure of the commissioner ~~acting upon the~~  
32 ~~recommendation of the board.~~

34 Eligibility for the selection shall may not be dependent upon the  
parent law enforcement agency, if any, of the person selected.  
36 The assistant director shall-be is compensated in a manner  
equivalent to that of a captain in the State Police, with respect  
38 to both regular and overtime compensation. If the person  
selected is currently an employee of any state, county or local  
40 law enforcement agency, the person shall must be placed on a  
temporary assignment by the person's employing agency. The  
42 assistant director shall report directly to the director,  
notwithstanding any existing command structure of the person's  
44 employing agency. Notwithstanding any other provision of law,  
the person shall-~~retain~~ retains and ~~continue~~ continues to accrue  
46 seniority and retirement rights and benefits within the person's  
employing agency for the time in which the person serves as  
48 assistant director.

2-**A. Regional commanders.** There shall ~~may~~ be 2 regional  
2 commanders within the ~~bureau~~ agency who may exercise any powers  
the director may delegate. Each regional commander must be an  
4 experienced law enforcement officer appointed by the director  
with the concurrence of the commissioner and ~~shall serve~~ who  
6 serves at the pleasure of the director. The appointment of  
regional commanders shall ~~may~~ not be dependent upon the parent  
8 law enforcement agency, if any, of the person selected. Regional  
commanders ~~shall be~~ are compensated from the budget of the ~~bureau~~  
10 agency in a manner equivalent to that of a lieutenant in the  
State Police, with respect to both regular and overtime  
12 compensation. If the person selected is currently an employee of  
any state, county or local law enforcement agency, the person  
14 shall ~~must~~ be placed on a temporary assignment by the person's  
employing agency. A regional commander shall report directly to  
16 the director or assistant director, notwithstanding any existing  
command structure of the person's employing agency.  
18 Notwithstanding any other provision of law, the person shall  
~~retain~~ retains and ~~continue~~ continues to accrue seniority and  
20 retirement rights and benefits within the person's employing  
agency for the time in which the person serves as regional  
22 commander.

24 **3. Task force investigative supervisors.** Each task force  
shall ~~be~~ is supervised by a task force investigative supervisor.  
26 Each supervisor must be an experienced law enforcement officer  
appointed by the director with the concurrence of the  
28 commissioner and ~~shall serve~~ who serves at the pleasure of the  
director. The appointment of supervisors shall ~~may~~ not be  
30 dependent upon the parent law enforcement agency, if any, of the  
person selected. Supervisors shall ~~be~~ are compensated from the  
32 budget of the ~~bureau~~ agency in a manner equivalent to that of a  
sergeant assigned to the drug unit of the State Police, with  
34 respect to both regular and overtime compensation. If the person  
selected is currently an employee of any state, county or local  
36 law enforcement agency, the person shall ~~must~~ be placed on a  
temporary assignment by the person's employing agency. A  
38 supervisor shall report directly to the regional commander,  
notwithstanding any existing command structure of the person's  
40 employing agency. Notwithstanding any other provision of law, the  
person shall ~~retain~~ retains and ~~continue~~ continues to accrue  
42 seniority and retirement rights and benefits within the person's  
employing agency for the time in which the person serves as  
44 supervisor.

46 **4. Task force investigative agents.** The investigative  
complement of each task force shall ~~be comprised~~ is composed of  
48 task force investigative agents. Agents may be selected from  
municipal, county and state law enforcement agencies within the  
50 State and other state agencies, provided as long as the

2 prospective agent has been certified pursuant to section 2803  
3 2803-A, subsection 1; or may be other experienced law enforcement  
4 officers, provided as long as each has been certified pursuant to  
5 section 2803 2803-A, subsection 1. Agents shall must be selected  
6 and appointed at the discretion of the director with the  
7 concurrence of the commissioner from among those persons  
8 nominated by the chief administrative officer of a prospective  
9 agent's employing agency and other experienced law enforcement  
10 officers who apply. Agents shall may serve ~~at the pleasure of~~  
11 ~~the director~~ a tour of duty with the agency for a period not to  
12 exceed 3 years at which time agents must return to their  
13 employing agency. The commissioner may grant agents a one-time  
14 extension of their tour of duty with the agency not to exceed one  
15 year in length, with the approval of the director, the agent, the  
16 agent's employing agency and the board, pursuant to section  
17 2954. Agents shall are entitled to receive compensation, paid  
18 from the budget of the bureau agency, equivalent to that of a  
19 detective in the State Police, with respect to both regular and  
20 overtime compensation with the additional credit given to  
21 seniority based upon law enforcement experience. If the person  
22 selected as an agent is currently an employee of any municipal,  
23 county or state law enforcement agency, or any other state  
24 agency, the person shall must be placed on a temporary assignment  
25 by the person's employing agency. An agent shall report directly  
26 to the task force supervisor, notwithstanding any existing  
27 command structure of the person's employing agency.  
28 Notwithstanding any other provisions of law, the person shall  
29 ~~retain~~ retains and ~~continue~~ continues to accrue seniority and  
30 retirement rights and benefits within the person's employing  
31 agency for the time in which the person serves as an agent.

32 Any person employed as a senior agent or special agent  
33 investigator within the State Police may be temporarily assigned  
34 to the bureau agency. During such temporary assignment, the  
35 State Police ~~shall retain~~ retains the positions of senior agent  
36 and special agent investigator.

38 **5. Authority of agency officers.** The director, assistant  
39 director, regional commanders, supervisors and agents are vested  
40 at the discretion of the commissioner with the following:

42 A. The authority throughout the State to arrest pursuant to  
43 Title 17-A, section 15;

44 B. The same powers and duties throughout the several  
45 counties of the State as sheriffs have in their respective  
46 counties to serve criminal process, to investigate and  
47 prosecute violators of any law of this State and to arrest  
48 without warrant and detain persons found violating or  
49 attempting to violate any other penal law of the State until  
50

2 a warrant can be obtained. They have the same rights as  
sheriffs to require aid in executing the duties of their  
office; and

4  
6 C. The same powers and duties throughout the several  
counties of the State as sheriffs have in their respective  
counties to serve civil process in all matters relating to  
8 investigations or violations of Title 17-A, chapter 45 or  
actions arising under or initiated pursuant to Title 15,  
10 chapter 517.

12 **6. Task force attorneys.** The Attorney General, the United  
States Attorney for the District of Maine and the respective  
14 district attorneys may assign as many of their assistants and  
special assistants as they determine to be appropriate to each of  
16 the task forces or to the bureau agency generally. The attorneys  
~~shall~~ must be available to the bureau agency officers for  
18 purposes of ongoing consultation and advice on the propriety and  
legal consequences of methods of investigation and are  
20 responsible for coordinating, with the regional commanders and  
supervisors, the prosecutorial and investigative priorities of  
22 the task forces in conformity with ~~the advice, consultation and~~  
~~direction provided by the board and~~ the policies, practices and  
24 procedures of the bureau agency.

26 **7. Compensation; State Police personnel.** Notwithstanding  
any other provision in this section, Maine State Police officers,  
28 senior agents and special investigative agents who are  
temporarily assigned to the bureau agency will continue to be  
30 paid from the budget of the Bureau of State Police, except that  
any additional compensation arising from such temporary  
32 assignment ~~shall~~ must be paid from the budget of the bureau  
agency.

34  
36 **Sec. B-14. 25 MRSA §2956**, as amended by PL 1987, c. 666, §10,  
is further amended to read:

38 **§2956. Authority of commissioner**

40 **1. Rules.** The commissioner may ~~shall~~, with the advice of  
the board, adopt rules, practices and policies respecting the  
42 administration of the bureau agency. The rules, practices and  
policies of the bureau ~~shall~~ agency must be in conformity with  
44 state law and ~~with the advice, consultation and direction~~  
~~provided by the board and shall~~ must accomplish the goal of an  
46 integrated drug enforcement effort. These rules, practices and  
policies may include:

48  
50 A. The qualifications, hiring, term of service and  
disciplinary standards for supervisors and agents;

2 B. Protection as to financial and employment security for  
any law enforcement officer selected as any official of the  
4 bureau agency with respect to the person's position with any  
municipal, county or state law enforcement policy or  
6 political subdivision;

8 C. Standard operating procedures for the bureau agency;

10 D. Procurement procedures; or

12 E. Procedures for dissemination of records.

14 2. **Grants and property.** The commissioner may accept grants  
and property decreed forfeit by any court of competent  
16 jurisdiction.

18 3. **Contracts or agreements.** The commissioner may enter  
into contracts and agreements with municipal, county and state  
20 law enforcement agencies to accomplish the goal of the bureau  
agency and carry out the rules, policies and practices of the  
22 board agency.

24 **Sec. B-15. 25 MRSA §2957**, as enacted by PL 1987, c. 411, §5,  
is amended to read:

26

**§2957. Confidentiality**

28

Notwithstanding any other provisions of law, the  
30 ~~investigative records of the bureau shall be and are declared to~~  
~~be confidential and all meetings of the board, as well as~~  
32 ~~meetings of the bureau shall not be~~ are subject to Title 1,  
sections 401 to 410, except that those meetings may be held in  
34 executive session to discuss any case investigations or any  
disciplinary actions.

36

**Sec. B-16. 25 MRSA §2958** is enacted to read:

38

**§2958. Prosecution protocol**

40

The Attorney General, in collaboration with the 8 district  
42 attorneys, shall establish a statewide drug prosecution protocol,  
which must include statewide goals, uniform prosecutorial  
44 standards, practices and policies, and specific criteria by which  
drug cases are referred to state or federal court for  
46 prosecution. The views and opinions of the United States  
Attorney for the District of Maine, as well as representatives  
48 from the agency and drug investigative units at the municipal  
level must be considered in the development of the drug  
50 prosecutorial protocol.



2           **Sec. B-17. 29 MRSA §946-C, sub-§1, ¶B**, as enacted by PL 1991,  
c. 444, §5, is amended by amending subparagraph (8) to read:

4           (8) A Department of Public Safety vehicle operated by a  
6           liquor enforcement officer for the purpose of enforcing  
section 1312-B or Title 28-A, a state fire inspector or a  
8           ~~Bureau of Intergovernmental~~ Maine Drug Enforcement Agency  
officer;

10           **Sec. B-18. 36 MRSA §191, sub-§2, ¶G**, as enacted by PL 1977, c.  
12           668, §2, is amended to read:

14           G. The disclosure to the Attorney General of information  
16           relating ~~related~~ to any person under criminal  
investigation~~;~~. Requests from the Attorney General for  
18           information related to any person under criminal  
investigation must be submitted to the State Tax Assessor in  
writing and include:

20                   (1) The name and address of the taxpayer with respect  
22                   to whom the requested return information relates;

24                   (2) The taxable period or periods to which the return  
26                   information relates;

28                   (3) The statutory authority under which the proceeding  
or investigation is being conducted; and

30                   (4) The specific reason or reasons why the disclosure  
32                   is, or may be, relevant to a proceeding or  
investigation.

34           The Attorney General shall retain physical control of the  
36           information until the conclusion of the investigation or  
proceeding for which the information was requested, after  
38           which the information must be returned immediately to the  
State Tax Assessor.

40           **Sec. B-19. Transition provision.**

42           1. The incumbent director of the Bureau of  
44           Intergovernmental Drug Enforcement serves as the Director of the  
Bureau of Intergovernmental Drug Enforcement. Personnel now employed by the  
46           Bureau of Intergovernmental Drug Enforcement remain employed as  
personnel with the Maine Drug Enforcement Agency and the time  
48           period for tours of duty for incumbent investigative agents,  
pursuant to Title 25, section 2955, subsection 4, commences from  
50           the effective date of this Act.

2           2. All existing rules and procedures in effect, in  
3 operation or adopted by the Bureau of Intergovernmental Drug  
4 Enforcement or any of its administrative units or officers, are  
5 continued in effect until rescinded, revised or amended by the  
6 proper authority.

7           3. All existing contracts, leases, agreements, compacts and  
8 grants issued prior to the effective date of this Act, continue  
9 to be valid under the terms of issuance either until expiration  
10 or rescission, amendment or revocation and are transferred to the  
11 Maine Drug Enforcement Agency on the effective date of this Act.

12           4. The Director of the Maine Drug Enforcement Agency has  
13 the authority to enter into such contracts or agreements or to  
14 apply for such grants, modification to grants or money as may be  
15 necessary to carry forth the work of the Bureau of  
16 Intergovernmental Drug Enforcement. Nothing in this Act may be  
17 construed to violate any requirements of any granting agency,  
18 including, but not limited to, those imposed by the federal  
19 Bureau of Justice Assistance.

20           5. Notwithstanding any other provision of law, all accrued  
21 expenditures, assets, liabilities, balances of funds, transfers,  
22 revenues or other available funds in an account or subdivision of  
23 an account of the Bureau of Intergovernmental Drug Enforcement  
24 must be reallocated or reappropriated to the Maine Drug  
25 Enforcement Agency by the State Controller.

26           6. Any positions authorized and allocated subject to the  
27 personnel laws to the Bureau of Intergovernmental Drug  
28 Enforcement are transferred to the Maine Drug Enforcement Agency  
29 and may continue to be authorized.

30           7. All records, property and equipment previously belonging  
31 to or allocated for the use of the Bureau of Intergovernmental  
32 Drug Enforcement become the property of the Maine Drug  
33 Enforcement Agency on the effective date of this Act.

34           8. All existing forms, licenses, letterheads and similar  
35 items bearing the name of or referring to the Bureau of  
36 Intergovernmental Drug Enforcement may be used by the Maine Drug  
37 Enforcement Agency until existing supplies of those items are  
38 exhausted.

39           **Emergency clause.** In view of the emergency cited in the  
40 preamble, this Act takes effect when approved.

## FISCAL NOTE

2  
4 The net impact of provisions in Part A is a savings in costs  
6 to state agencies and a net increase in General Fund revenue that  
8 can not be precisely quantified.

10 The Department of Public Safety will incur some additional  
12 administrative costs to implement the new Maine Drug Enforcement  
14 Agency including changing the name of the agency and establishing  
16 the Maine Drug Enforcement Agency Advisory Board. The  
18 Legislature will incur some minor additional administrative costs  
20 to confirm the director of the agency. The Department of the  
22 Attorney General will incur additional costs to direct  
24 investigations and establish drug prosecution protocols. These  
26 costs can be absorbed by the respective departments within  
28 existing budgeted resources.

## STATEMENT OF FACT

30 Section A-1 of the bill authorizes the Secretary of State to  
32 work with the Attorney General to develop explanatory statements  
34 that describe referenda and constitutional resolutions. This  
36 section also authorizes the Secretary of State to publish  
38 explanatory statements and eliminates one of 2 publishing date  
40 requirements.

42 Sections A-2 and A-3 require agencies and independent  
44 agencies to submit information on gender inequity as part of the  
46 statutory review conducted by the Joint Standing Committee on  
48 Audit and Program Review.

Sections A-4, A-5 and A-6 update the list of agencies  
scheduled for review by the Joint Standing Committee on Audit and  
Program Review.

Section A-7 revises the certificate-of-qualification process  
used by the Secretary of State for all appointed public officers.

Section A-8 creates definitions of "state agency" and "state  
record" for the records management process administered by the  
Maine State Archives.

Section A-9 makes numerous technical language changes.

Section A-10 clarifies that the proper role of the State  
Planning Office is to facilitate planning and policy development.

2 Section A-11 allows the Secretary of State to use any day of  
the week as rules day for the publication of the Maine  
Administrative Procedure Act rule-making notices.

4 Sections A-12, A-18 and A-19 replace or remove obsolete  
6 references to the nonexistent Maine Potato Council.

8 Sections A-13 and A-14 redefine the Department of  
Agriculture, Food and Rural Resources reporting requirements  
10 regarding agriculture issues.

12 Section A-15 repeals certain provisions of the pull event  
laws regarding violations and penalty-setting authority because  
14 they are redundant.

16 Section A-16 clarifies that the Commission on Biotechnology  
and Genetic Engineering has jurisdiction over nonhuman medical  
18 uses of genetic engineering.

20 Section A-17 repeals the Maine Agricultural Promotional  
Assistance Matching Fund Program because it is unfunded.

22 Section A-20 increases the period within which licensed  
24 dealers must pay for potatoes for which they have accepted  
shipment from the current 20 business days to 30 calendar days.

26 Section A-21 clarifies the Maine Potato Quality Control  
28 Board's authority to specify Maine bag identification by removing  
redundant language.

30 Section A-22 repeals the requirement that the Maine Potato  
32 Quality Control Board adopt a fee schedule to cover a portion of  
the expenses of the board.

34 Section A-23 repeals the requirement that trading stamp  
36 companies file with the Secretary of State.

38 Sections A-24 to A-26, A-43, A-44, A-49 and A-58 to A-75  
40 change the name of the Division of Motor Vehicles to the Bureau  
of Motor Vehicles.

42 Sections A-27 and A-31 to A-34 authorize the Secretary of  
State to charge a nominal fee to be set by rule for information  
44 requests.

46 Section A-28 corrects a technical error in the number of  
members of the State Soil and Water Conservation Commission and  
48 authorizes the commission to formulate its own budget.

50 Sections A-29 and A-30 correct technical errors.

2 Sections A-35 to A-42 repeal the separate annual reporting  
and filing fee requirement for domestic condominium corporations  
4 and establish that all nonprofit corporations must file annually  
with the Secretary of State and pay a nominal filing fee to be  
6 determined by rule.

8 Section A-45 establishes that election warrants must be sent  
to municipal clerks.

10 Sections A-46 and A-48 authorize the Department of  
Agriculture, Food and Rural Resources to impose sanctions, in  
12 conformity with the Maine Administrative Procedure Act, for  
violations of its inspection laws.

14 Section A-47 authorizes the Department of Agriculture, Food  
16 and Rural Resources to institute a fee for any reinspection after  
the first follow-up for violations of the consumer food laws.

18 Section A-50 eliminates the provision requiring legislative  
20 approval of expenditures of the Maine High-Risk Insurance  
Organization to reduce redundancy, acknowledge the role of the  
22 board of directors of that organization and reflect current  
practice.

24 Section A-51 clarifies that the unspecified member of the  
26 board of directors of the Maine High-Risk Insurance Organization  
may not be an insurance producer and clarifies that the member  
28 currently specified in law as a representative of "domestic  
commercial insurers" must represent insurance producers.

30 Section A-52 amends the Maine High-Risk Insurance  
32 Organization's plan of operation to eliminate redundancy and  
emphasize effectiveness and efficiency.

34 Section A-53 removes the termination provision from the law  
36 authorizing the Maine High-Risk Insurance Organization.

38 Sections A-54, A-55 and A-56 clarify that the State Fire  
40 Marshal appoints not only inspectors, but also investigators, to  
carry out the duties of the State Fire Marshal's office.

42 Section A-57 repeals an outdated provision.

44 Section A-77 repeals the Maine State Pilotage Commission's  
46 authority to limit the entry into the pilotage profession.

48 Section A-78 requires agencies to submit a report to the  
Joint Standing Committee on Audit and Program Review by September  
50 1, 1992.

2 Sections A-79 to A-82 consolidate 2 sets of accounts within  
the Bureau of State Police to simplify budgetary and  
administrative oversight of the bureau.

4 Sections B-1, B-2, B-4, B-9, B-10 and B-17 change the name  
6 of the Bureau of Intergovernmental Drug Enforcement to the Maine  
Drug Enforcement Agency.

8 Section B-3 requires the Attorney General to conduct and  
10 control all drug-related investigations of public officials or  
members of the law enforcement community.

12 Sections B-5 and B-15 provide confidentiality to the  
14 criminal and administrative records of the Maine Drug Enforcement  
Agency, which is equivalent to the confidentiality provided to  
16 records of the State Police; ensure that the meetings of the new  
Maine Drug Enforcement Agency Advisory Board are subject to the  
18 Freedom of Access Law; allow the board to meet in executive  
session for 2 reasons; and repeal references to meetings of the  
20 bureau.

22 Sections B-6 to B-8 retain the Maine Drug Enforcement Agency  
as a separate bureau within the Department of Public Safety and  
24 clarify a conflict.

26 Section B-11 updates definitions.

28 Sections B-12 to B-14 specify the composition and duties of  
the Maine Drug Enforcement Agency Advisory Board; require that  
30 the Director of the Maine Drug Enforcement Agency is appointed by  
the Commissioner of Public Safety, reviewed by the Joint Standing  
32 Committee on State and Local Government and confirmed by the  
Legislature; specify that agents may serve a tour of duty with  
34 the agency for a period not to exceed 3 years with a one-time  
extension of their tour of duty not to exceed one year in length;  
36 and make technical corrections.

38 Section B-16 directs the Attorney General, in collaboration  
with the 8 district attorneys, to establish a statewide drug  
40 prosecution protocol.

42 Section B-18 authorizes disclosure to the Attorney General  
of tax information relating to any person under criminal  
44 investigation only upon written request.

46 Section B-19 is a transition provision.